By Mr. LANE:

H. R. 4783. A bill to provide for weekly pay days for postal employees; to the Committee on the Post Office and Post Roads.

By Mr. ROLPH:

H. J. Res. 275. Joint resolution to establish a joint congressional committee to make a study of the question as to whether the Congress should enact an adjusted-service-pay act; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. GORE:

H. R. 4784. A bill for the relief of L. T. Gregory; to the Committee on Claims.

By Mr. MARTIN of Massachusetts:

H. R. 4785. A bill for the relief of Frederick D. Ballou; to the Committee on Claims.

By Mr. SATTERFIELD:

H. R. 4786. A bill for the relief of Terrell E. Beckner, committee for Kimball Lee Beckner; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

5634. By Mr. GREGORY: Senate Resolution No. 44 of the General Assembly of the Commonwealth of Kentucky, regular session, 1944, memorializing Congress to pass a law enabling the ceiling prices on fluor spar to be increased; to the Committee on Banking and Currency.

5635. By Mr. HALE: Petition of a number of residents of Sagadahoc County, urging the enactment of House bill 2082 in order that there may be greater efficiency and less absenteeism in defense plants, and that men in training camps may be better protected from the effects of alcoholic liquors; to the Committee on the Judiciary.

5636. By Mr. EDWIN ARTHUR HALL: Petitions of the Hall Furlough Club, No. 4, tenth ward, Binghamton, N. Y., and signed by 68 residents of the Thirty-fourth Congressional District, urging the passage of the Hall furlough bill (H. R. 1504) providing free transportation during furloughs for members of our armed forces; to the Committee on Military Affairs.

5637. By Mr. LUTHER A. JOHNSON: Petition of the Veterans of Foreign Wars of the United States, Heart O' the Hills Post, No. 1480, Legion, Tex., opposing House bill 2820; to the Committee on World War Veterans' Legislation.

5638. By the SPEAKER: Petition of the Mississippi Valley Historical Association, petitioning consideration of their resolution with reference to the continuation of the Territorial Papers of the United States to an early conclusion; to the Committee on Appropriations.

SENATE

WEDNESDAY, MAY 10, 1944

(Legislative day of Tuesday, May 9, 1944)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The Chaplain, Rev. Frederick Brown Harris, D. D., offered the following prayer:

O Thou eternal and triumphant Creator, whose holy purposes are beyond defeat, we come in the mystery of intercession seeking Thy righteous will and the enabling strength to do it. We confess that we have remembered and treasured the words of the Master's matchless prayer, "Thy kingdom come," but we have too often forgotten their flaming meaning. The great hope of the kingdom of love has grown dim as hatred and selfishness and man's inhumanity to man have desecrated the earth. Yet we are grateful that in darkest days prophetic souls have marched with Thee, keeping step to the distant music of Thy sure victory. Wherever hatred gives way to love, wherever prejudice is changed to understanding, wherever pain is soothed and ignorance banished, there Thy banners go and Thy truth is marching on.

In spite of mockers by our side, in spite of cunning foes without and fears within our own fickle hearts, by the shining light of Thy presence keep us steadfast on the march to that City of Light whose builder and maker is God. We ask it in the dear Redeemer's name. Amen.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Tuesday, May 9, 1944, was dispensed with, and the Journal was approved.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the House had agreed to the amendment of the Senate to the bill (H. R. 1565) relating to the appointment of postmasters.

The message also announced that the House had passed a bill (H. R. 4485) authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes, in which it requested the concurrence of the Senate.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills and joint resolution and they were signed by the Vice President:

H. R. 1565. An act relating to the appointment of postmasters;

H. R. 3261. An act to amend the act of April 29, 1943, to authorize the return to private ownership of Great Lakes vessels and vessels of 1,000 gross tons or less, and for other purposes; and

H. J. Res. 271. Joint resolution making an additional appropriation for the fiscal year 1944 for emergency maternity and infant care for wives of enlisted men in the armed forces.

RESOLUTION BY MISSISSIPPI VALLEY HISTORICAL ASSOCIATION

The VICE PRESIDENT laid before the Senate a resolution adopted by the Mississippi Valley Historical Association at its annual convention in St. Louis, Mo., favoring the enactment of legislation providing for the continuation of publication of the Territorial papers of the United States, which was referred to the Committee on the Library.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. STEWART, from the Committee on Claims:

H. R. 1220. A bill for the relief of Paul J. Campbell, the legal guardian of Paul M. Campbell, a minor; with amendments (Rept. No. 869);

H. R. 1984. A bill for the relief of Paul Barrere; without amendment (Rept. No. 870);

H. R. 3126. A bill for the relief of Mary Ellen Frakes, widow of Joseph A. Frakes; with an amendment (Rept. No. 871); and

H. R. 3136. A bill for the relief of Hamp Gossett Castle, Lois Juanita Gimble, Margaret Carrie Yarbrough, and Roy Martin Lyons; without amendment (Rept. No. 872).

By Mr. EASTLAND, from the Committee on Claims:

H. R. 1737. A bill for the relief of the Saunders Memorial Hospital; without amendment (Rept. No. 873).

By Mr. ELLENDER, from the Committee on Claims:

H. R. 1635. A bill for the relief of William E. Search, and to the legal guardian of Marion Search, Pauline Search, and Virginia Search; without amendment (Rept. No. 874);

H. R. 2408. A bill for the relief of Clarence E. Thompson and Mrs. Virginia Thompson; without amendment (Rept. No. 875);

H. R. 2507. A bill for the relief of Reese Flight Instruction, Inc.; without amendment (Rept. No. 876); and

H. R. 2689. A bill for the relief of Pete Paluck; without amendment (Rept. No. 877).

By Mr. TUNNELL, from the Committee on Claims:

H. R. 272. A bill for the relief of Mrs. Vola Stroud Pokluda, Jesse M. Knowles, and the estate of Lee Stroud; with amendments (Rept. No. 878);

H. R. 1519. A bill conferring jurisdiction on the Court of Claims to hear, determine, and render judgment upon the claim of the McCullough Coal Corporation against the United States; without amendment (Rept. No. 879); and

H. R. 2855. A bill for the relief of the estate of John Buby; without amendment (Rept. No. 880).

By Mr. THOMAS of Oklahoma, from the Committee on Indian Affairs:

S. 1602. A bill authorizing and directing the Secretary of the Interior to issue to Winnie Left Her Behind, a patent in fee to certain land; without amendment (Rept. No. 881).

By Mr. CONNALLY, from the Committee on Foreign Relations:

S. Con. Res. 43. Concurrent resolution relating to the invitation to the Congress of the United States to send a delegation to visit the British Parliament; without amendment (Rept. No. 868).

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. ELLENDER:

S. 1903. A bill for the relief of Steve Barbre; and

S. 1904. A bill for the relief of J. Fletcher Lankton and John N. Ziegele; to the Committee on Claims.

By Mr. HAYDEN:

S. 1905. A bill for the relief of Captolia Colvin; to the Committee on Claims.

S. 1906. A bill granting an increase of pension to Nellie L. Fickett; to the Committee on Pensions.

By Mr. THOMAS of Oklahoma:

S. 1907. A bill declaring a temporary policy with respect to immigration to the United States; to the Committee on Immigration.

By Mr. JOHNSON of Colorado (for Mr. CLARK of Idaho):

S. 1908. A bill to amend section 304 of the Federal Food, Drug, and Cosmetic Act so as to permit the disposal to charitable institutions of certain articles of food condemned thereunder; to the Committee on Commerce.

HOUSE BILL REFERRED

The bill (H. R. 4485) authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes, was read twice by its title and referred to the Committee on Commerce.

EXTENSION OF EMERGENCY PRICE CONTROL ACT—AMENDMENT

Mr. McCLELLAN submitted an amendment intended to be proposed by him to the bill (S. 1764) to amend the Emergency Price Control Act of 1942 (Public Law 421, 77th Cong.) as amended by the act of October 2, 1942 (Public Law 729, 77th Cong.), which was referred to the Committee on Banking and Currency and ordered to be printed.

ADMINISTRATION FOREIGN POLICIES—ADDRESS BY SENATOR TAFT

[Mr. TAFT asked and obtained leave to have printed in the RECORD an address entitled "Are Administration Foreign Policies Making More Difficult the Formation of a Post-war Peace Organization of Nations?" delivered by him at Cleveland, May 6, 1944, to the War Veterans' Republican Club of Ohio, together with two editorials commenting on the address, one from the Scripps-Howard papers and one from the Cleveland Plain Dealer, which appear in the Appendix.]

ST. LAWRENCE RIVER POWER AND SEAWAY DEVELOPMENT—ADDRESS BY SENATOR AIKEN

[Mr. LA FOLLETTE asked and obtained leave to have printed in the RECORD an address entitled "St. Lawrence River Power and Seaway Development" delivered by Senator AIKEN at Watertown, N. Y., May 5, 1944, which appears in the Appendix.]

HOME IN PALESTINE FOR THE JEWISH PEOPLE—ADDRESS BY SENATOR TUNNELL

[Mr. STEWART asked and obtained leave to have printed in the RECORD an address delivered by Senator TUNNELL before the seventh annual conference of the seaboard region, Mizrachi-Zionist Organization of America, Beth T. Filoh Synagogue, Baltimore, Md., April 30, 1944, which appears in the Appendix.]

WAR PROFITS AND LEGISLATIVE POLICY—ARTICLE BY SENATOR WALSH OF MASSACHUSETTS

[Mr. WALSH of Massachusetts asked and obtained leave to have printed in the RECORD an article entitled "War Profits and Legislative Policy," written by him and published in the University of Chicago Law Review for April 1944, which appears in the Appendix.]

BUSINESS APPROACH TO GOVERNMENT—ADDRESS BY CHESTER BOWLES

[Mr. TUNNELL asked and obtained leave to have printed in the RECORD excerpts from an address entitled "Business Approach to Government," delivered at Yale University by Chester Bowles, Price Administrator, and published in the Washington Post of May 9, 1944, by the International Latex Corporation, of Dover, Del., which appear in the Appendix.]

RETURN TO THE FARMS OF SERVICEMEN

[Mr. NYE asked and obtained leave to have printed in the RECORD a release entitled "Servicemen Want To Buy North Dakota Farms" prepared by the Greater North Dakota Association, which appears in the Appendix.]

THE GREAT LAKES-ST. LAWRENCE SEAWAY

[Mr. AIKEN asked and obtained leave to have printed in the RECORD two editorials from the Caledonian-Record of St. Johnsbury, Vt., regarding the Great Lakes-St. Lawrence seaway, which appear in the Appendix.]

RESERVED INTERNATIONAL RIGHTS—ARTICLE BY PHILIP M. BROWN

[Mr. AUSTIN asked and obtained leave to have printed in the RECORD an article entitled "Reserved International Rights" written by Philip Marshall Brown and reprinted from the American Journal of International Law for April 1944, which appears in the Appendix.]

AWARD OF PULITZER PRIZE TO HENRY J. HASKELL

Mr. CAPPER. Mr. President, Mr. Henry J. Haskell, of the Kansas City Star, one of America's ablest editors, recently received the Pulitzer award for outstanding editorial writing during the past year. The bestowal of this honor upon Mr. Haskell is universally approved by the newspapers of the United States. He is recognized by everyone as a truly great editor. I ask unanimous consent to have an announcement of this award printed as a part of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

STUDENT OF WORLD AFFAIRS

Mr. Haskell, editor of the Kansas City Star, as the son of a Congregational missionary assigned to Bulgaria, spent his boyhood in the Balkans and developed an interest in international affairs that has made him a two-time Pulitzer prize winner. He was born in Huntington, Ohio, in 1874 while his parents were in this country on leave.

In 1933 his paper received an award for a series of editorials on national and international topics, written by Mr. Haskell. His comments on the war and related international problems brought the present award.

Back in February 1898, a friend tipped Haskell, then a reporter on the Kansas City World, that there was to be an opening on the Star's telegraph desk. He took the job, just in time to get in on handling the story of the sinking of the *Maine*.

He became editor of the Star in 1928, and as an avocation has written two books on Roman history.

Prior to outbreak of the war he made annual trips to Europe to gather information on the international situation.

SEIZURE OF MONTGOMERY WARD PLANT

Mr. BUTLER. Mr. President, during yesterday's session the distinguished Senator from New Jersey [Mr. HAWKES] offered for the RECORD the editorial which appeared in the May 5 issue of the Chicago Daily News, written by Phil S. Hanna, in which he reviewed a statement that will appear in the forthcoming issue of the Railroad Workers Journal entitled "The Coming Boomerang." In view of the fact that I had already wired the publisher of this paper for a copy of the editorial for the purpose of inserting it in the CONGRESSIONAL RECORD, the Senator from New Jersey decided that the Phil Hanna statement and the editorial by Maurice Franks, which Mr. Hanna reviews, ought to appear together. He therefore canceled the request he made yesterday, and I ask unanimous consent that each of these articles be printed in the body of the RECORD, immediately following my remarks.

While the newspapers today indicate that the Ward case may have been settled, I think that the views expressed by this very prominent leader in labor should become a part of the permanent RECORD in this case. Mr. Franks evidently believes that the Ward case is the most important labor dispute with which this country has been confronted to date. From the title of his editorial "The Coming Boomerang," he plainly indicates that a most dangerous precedent has been established by our President ordering the seizure of the Ward company without due process of law; a precedent which in time might possibly cause a seizure of labor unions by the Government.

I should like to quote one short paragraph from Mr. Franks' editorial:

No fair-minded person will question the right of our Government to seize any enterprise interfering with the prosecution of the war, providing that this action takes place with the due process of law. But when seizure of enterprise takes place without proper legal procedure, a very dangerous precedent is established.

Mr. President, I ask that the editorial by Mr. Franks may be printed in the RECORD following my remarks, and that immediately thereafter there may be printed the review of his editorial by Mr. Phil S. Hanna, appearing in the Chicago Daily News of May 5.

There being no objection, the editorial and review were ordered to be printed in the RECORD, as follows:

EVERYBODY'S BUSINESS—UNION-WARD CASE
(By Phil S. Hanna)

Much has been heard from businessmen about the issues in the Montgomery Ward case, but comparatively little philosophizing has come from the publicists in union labor. Hence a glance at an editorial in the forthcoming issue of the Railroad Workers Journal entitled "The Coming Boomerang" may be of interest.

"No fair-minded person will question the right of our Government to seize any enterprise interfering with the prosecution of the war, provided the action takes place with due process of law," says the writer of the editorial, Maurice Franks, who, besides being editor of the journal, is also national business agent of the Railroad Yardmasters of North America, Inc. "But," he continues, "when seizure takes place without proper legal procedure, a very dangerous precedent is established."

UNIONS ALSO ENTERPRISES

"Unions today are also enterprises, some of them in the category of big business, controlling the actual destiny of our war effort. Therefore, it should be obvious to labor and its leaders that if private business, remotely connected to the war effort, can be taken over and managed by the Federal Government, the same can be so with unions."

But the point Mr. Franks stresses is that if, in a situation such as the one at Ward's prior to the decision of the N. L. R. B. to hold an election, the Government had forced the employer to execute a contract without first giving the employees an opportunity to vote, the Government might be compelling the workers to accept bargaining representatives that were not freely chosen.

This leads the editorial to say: "One begins to wonder whether workers really have the right to collective bargaining by means of their own choosing. If the Labor Act (Wagner law) means what its language implies, no governmental board, tribunal, or any individual, no matter how high in authority, has a right to enforce a decision contrary to the intent of this law."

OPEN TO SERIOUS LABOR TROUBLE

"In order for a labor union to be eligible it must definitely prove that it represents 51 percent or better of the employees. But, as has been recently proved in certain decisions handed down, whereby unions with questionable authority and demanding closed-shop contracts have been able through sheer political pull to impose their demands, there is the inevitable reaction of serious labor trouble as in the case of Montgomery Ward & Co.," Franks adds.

But read further: "If a union, without showing proof of majority, can force a company to recognize it as bargaining agent a dastardly condition has been established. For if, at a future date, another union, which actually represents the employee majority but is not in the good graces of the political powers that be, desires to negotiate, it is automatically blocked by a minority labor organization who secured a contract through subterfuge.

"To some labor leaders, especially those benefited by this unfair condition, this may seem wonderful. But let me remind these so-called labor leaders that they are fooling with a very dangerous weapon. If through political favor a union can be backed to the limit whether it be right or wrong—backed up mainly because of political connections—it seems to me this should stand out as evidence to the workers that what the political gods can create the political gods can destroy."

WARNED BY EUROPEAN EVENTS

"It seems to me labor and especially its leaders would wake up to the fact proven in Germany, Italy, France, and other nations that when the political gods favor them to further their own personal political desires they will also favor other groups if it suits their purposes. When organized labor lends itself to a dishonest arrangement it is rapidly heading for oblivion, the same as it has in the countries of Europe.

"When labor leaders jockey a dispute into a position whereby the Federal Government takes over a business through mere Executive order, whether the company be in war work or not, they are helping establish a precedent which very well may become the ruination of the American labor movement. What momentarily seems to be an advantage to organized labor may be nothing more than the coming boomerang."

Words of wisdom, it seems to me.

THE COMING BOOMERANG

Strange things are happening in industry these days. One begins to wonder after studying certain labor decisions, whether or not workers have the right to collective bargaining by means of their own choosing, and in accordance with labor's so-called Magna Charta, the National Labor Relations Act. This law specifically states that workers may join unions of their own choosing, free of coercion.

If the labor act means what its language implies, then no governmental board, tribunal, or any individual, no matter how high in authority in these United States, has a right to enforce a decision contrary to the intent of this law. Either this law is really valid or it is invalid. If the latter be the case, it is about time that some unbiased Federal court declare this law as such. If, on the other hand, the law is really valid, then it can only mean that workers who do not desire unionism as their means of employment representation, have the prerogative of remaining unaffiliated with any labor union in any way, shape, or form and, thereby, cannot be forced into any union contractual arrangement contrary to their personal desire.

To be more specific and to avoid possible misunderstanding, I will amplify by stating that even though 99 percent of the employees within a business establishment desire unionism as their means of representation, the remaining 1 percent not desiring such representation have, in accordance with the intent of the Labor Act, the absolute right to remain ununionized. Whether their independence of unionism be to their best interest or not is beside the question. The point is that the Labor Act guarantees workers the right to join unions of their own choosing.

Coupled to all this, we have been reading in the papers and hearing through radio of instances whereby a minority union group in a business establishment has demanded a closed-shop contract from the employer. This demand can only be interpreted to mean that all employees within this establishment, whether believers in unionism or not, must join the union and pay tribute thereto or be deprived of earning a livelihood. Under the closed-shop contract the employer agrees to discharge all employees who do not become members of the union.

The general interpretation of the Labor Act is that in order for a labor union to be eligible to even negotiate working conditions it must definitely prove it represents better than 51 percent of the employees affected. When a condition of doubt exists, the general practice has been to have all of the employees cast a secret ballot as a definite means of ascertaining the jurisdictional rights of the union in question.

If this plan were carried out in accordance with honest interpretation of the Labor Act, decisions would be more democratic. Unfortunately this is not the case, as has recently been proved in certain decisions handed down, whereby unions with questionable authority, demanding closed-shop contracts have been, through sheer political pull, able to impose their demands upon concerns, with the inevitable reaction of serious labor trouble such as in the case of Montgomery Ward & Co.

If a union, without showing proof of majority representation, can impose upon and force a company to recognize their union as the bargaining agent for all of the employees, then it seems to this writer that a dastardly condition has been established in industry. For if, at a future date another union, actually representing the majority of the employees, but unfortunately not in the good graces of the political powers that be, desires to negotiate contractual arrangements governing working conditions, etc., they are automatically blocked by virtue of the fact that a minority labor organization who through subterfuge secured a contract.

To some labor leaders, and especially those benefited by this unfair and lopsided condition of union representation, this may seem wonderful. But let me remind these so-called labor leaders that they are fooling with a very dangerous weapon because if, through political favor, a union can be backed to the limit whether it be right or wrong, backed up mainly because of political connections, it seems to me this should stand out as evidence to the workers, and particularly to the unions, that what the political gods can create the political gods can destroy.

It seems as though labor and especially its leaders would wake up to the fact which has been proven in Germany, Italy, France, and other nations, that when the political gods favor them to further their own personal political desires they will also favor other groups, including crooked employers, if it so suits their purpose. When organized labor lends itself to a dishonest arrangement it is rapidly heading for oblivion, the same as it has in the countries of Europe.

From the practical side of this picture, labor leaders should be very hesitant in creating unnecessary conditions through their maneuverings which bring on Federal action. When labor leaders jockey a dispute into a position whereby the Federal Government takes over a business enterprise through mere Executive order, whether the company be engaged in war work or not, they are helping establish a precedent which very well may become the ruination of the American labor movement.

No fair-minded person will question the right of our Government to seize any enterprise interfering with the prosecution of the war, providing that this action takes place with due process of law. But when seizure of enterprise takes place without proper legal procedure, a very dangerous precedent is established.

Unions today are also enterprises, some of them in the category of big business, controlling the actual destiny of our war effort. Therefore it should be obvious to labor and its leaders that if private business, remotely connected to the war effort, can be taken over and managed by the Federal Government, the same can be so with unions. And wouldn't that be something? Just imagine the President of the United States declaring the American Federation of Labor, the Congress of Industrial Organizations or even the Railroad Brotherhoods as instrumentalities against the war effort and against the best interests of this Nation. The President could, and would, replace all officers of the unions from the president on down, with governmental officers. And wouldn't that be something?

You may say: "It can't happen here." Well, it may not under an administration seemingly favorable to organized labor. But remember, a precedent has been definitely established, and also remember that it has already happened in Europe. So what momentarily seems to be advantageous to organized labor may be nothing more than the coming boomerang.

Frankly yours,

MAURICE R. FRANKS, *Editor.*

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting nominations and a protocol were communicated to the Senate by Mr. Miller, one of his secretaries.

THE POLL TAX

The Senate resumed the consideration of the bill (H. R. 7) making unlawful the requirement for the payment of a poll tax as a prerequisite to voting in a primary or other election of national officers.

The VICE PRESIDENT. Under the unanimous consent agreement of yesterday, the Senator from North Carolina [Mr. BAILEY] has the floor.

Mr. HILL. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Aiken	Ferguson	O'Mahoney
Austin	George	Overton
Bailey	Gerry	Radcliffe
Ball	Gillette	Reed
Bankhead	Guffey	Reynolds
Barkley	Gurney	Robertson
Bilbo	Hatch	Russell
Brewster	Hawkes	Shipstead
Brooks	Hayden	Smith
Buck	Hill	Stewart
Burton	Jackson	Taft
Bushfield	Johnson, Colo.	Thomas, Idaho
Butler	La Follette	Thomas, Okla.
Byrd	Langer	Tunnell
Capper	McCarran	Tydings
Caraway	McClellan	Vandenberg
Chavez	McFarland	Wagner
Clark, Mo.	McKellar	Walsh, Mass.
Connally	Maloney	Walsh, N. J.
Cordon	Maybank	Weeks
Danaher	Mead	Wheeler
Davis	Millikin	Wherry
Downey	Moore	White
Eastland	Murdock	Wilson
Ellender	Nye	

Mr. HILL. I announce that the Senator from Washington [Mr. BONE] and the Senator from Virginia [Mr. GLASS] are absent from the Senate because of illness.

The Senator from Utah [Mr. THOMAS] has been appointed by the President of the United States as a delegate to attend the International Labor Organization Conference in Philadelphia, and is therefore necessarily absent.

The Senator from Missouri [Mr. TRUMAN] and the Senator from Washington [Mr. WALLGREN] are absent on official business for the Special Committee to Investigate the National Defense program.

The Senators from Florida [Mr. ANDREWS and Mr. PEPPER], the Senator from Kentucky [Mr. CHANDLER], the Senator from Idaho [Mr. CLARK], the Senator from Rhode Island [Mr. GREEN], the Senator from West Virginia [Mr. KILGORE], the Senator from Illinois [Mr. LUCAS], and the Senator from Montana [Mr. MURRAY] are detained on public business.

The Senator from Texas [Mr. O'DANIEL] is necessarily absent.

The Senator from Nevada [Mr. SCRUGHAM] is absent on official business.

Mr. WHERRY. The Senator from New Hampshire [Mr. BRIDGES], the Senator from Oregon [Mr. HOLMAN], the Senator from West Virginia [Mr. REVERCOMB], and the Senator from Indiana [Mr. WILLIS] are necessarily absent.

The Senator from New Hampshire [Mr. TOBEY] is absent because of illness.

The Senator from Wisconsin [Mr. WILEY] is absent on official business.

The VICE PRESIDENT. Seventy-four Senators have answered to their names. A quorum is present.

Mr. BAILEY. Mr. President, we have before us, incident to the pending measure, the general subject of elections and qualifications. An election was held yesterday afternoon in Chicago, the Montgomery Ward-C. I. O. election. The returns came in last night, and I think it appears that the C. I. O. won. Now they are putting up quite a fight here indirectly, by way of their pressure methods, on the subject of elections and primaries.

I wonder what the qualifications were to vote in that election yesterday in Chicago. I think very clearly a disqualification was, to be in any way connected with that company except by being a member of the C. I. O. or an employee. My understanding is that the president of the company not only was not permitted to open his mouth, but no other official of the company was, and when the president of the company undertook to stay on the premises the President of the United States, Commander in Chief of the Army and Navy, called out the Army, which carried him down the elevator, not on his own feet, according to the pictures, and dumped him on the street. The president of the company was disqualified for that election. He was the president of the company, but he was disqualified. Yet, C. I. O. members talk about qualifications to vote. They not only disqualified the president of the company, but they carried him from the premises. But there were workers in the Montgomery Ward institution, and they were allowed to vote under the auspices of the C. I. O. and the general labor agitators, and since the election was carried by them, and the policy of maintenance of membership is now established by vote, I think if the company does not establish it now the Army will be called out again, if that is what is needed. I assume that the policy of maintenance of membership is established, and thereafter, unless a worker pays his dues, he will not only be disqualified to vote in a labor contest, a contest between employer and employee, or in a matter of policy in the labor organization, but he will be required to pay his dues in order to make a living. That is going far beyond the mere matter of paying a poll tax as a qualification to vote. A worker has to pay a poll tax to the C. I. O. in such sum as they demand—and they usually demand a dollar or $2 a month—or be thrown out. It is not the right to vote that is at stake there; it is the right to make a living.

Now, think about the hypocrisy, the plain, unvarnished, indefensible, shameless hypocrisy of a labor organization or a political party or an administration of government which raises a great racket here about the requirement of seven or eight States that any able-bodied man should pay a poll tax, a very small sum always, in order to vote, to participate in his government. They raise their hands in protest to heaven at the inequality of that tax, and the imposition of it on the poor, but at the same time with force and arms they bring about a situation in which the humblest man that works for Montgomery Ward, and for many another concern in America, is denied not simply the privilege of voting in the union but denied the privilege of membership, and not only that, but denied the opportunity to make a living. They strain at a gnat and swallow a camel.

Mr. President, I now wish to say something today about the poll tax, as at least not being such an offensive thing as it has been described. I stated yesterday that the State of North Carolina did not require the payment of a poll tax in order that one might vote. It has nothing to do with the voting qualification. But there are eight States that do require the payment of a poll tax.

Now, what is a poll tax? It has been described as a capitation tax, a tax on the head, and that is what the word "poll" means. It is a very ancient tax. I do not suppose there has ever been a country of any consequence in all the history of the world that did not have poll taxes.

A good many States in the American Union have poll taxes. It happens that I was reading old John Smith's very remarkable history of the first settlement in Virginia. He called it the History of Virginia, and I think it was a pretty good history of Virginia up to the time when John quit writing. The first tax they had was a poll tax. They got in straits, the colony or little settlement had to be protected against Indians, they finally had to be protected against starvation and famine, and they imposed a poll tax upon themselves. What for? For mutual aid and mutual protection. It was the largest tax they had. Nobody thought it was a bad tax.

The State of North Carolina has a poll tax. It is limited to $2 a year. It can never be over $2 for State and county purposes. It is limited to $1 additional if one lives in a city. But there are no circumstances in North Carolina under which a man will ever have to pay over $3. That is in the constitution.

Now, what is done in North Carolina with the proceeds of the poll tax? The constitution specifies that one-fourth of it shall be appropriated for relief of the poor, and the other three-fourths shall go for purposes of public education, for maintenance of public schools. A citizen has no right to look at his government as an institution from which he can receive benefits free. The whole theory of government is mutuality I should be willing to pay for what I get. I get protection, and every other man does. I go to sleep at night in the security of what we call the public peace. I have assurance that if my house catches fire, the firemen will come. If some marauder invades the premises, the policemen will come. If there is an epidemic in the town, I will be protected, insofar as the government can protect me, from the contagion. If there should be famine, I can look to my government for some relief, at any rate. My children go to the public schools. I should think it would cost the government at least $30 or $40 a year, and probably more, to pay for the education of a child in the public schools. Our children have the opportunity, if they deserve it, to go to the high schools maintained by the State, and to go to the university or to any of the State colleges, or to learn a trade in the College of Agriculture and Engineering Arts. We have such a college for the colored people; it is called the A. and M. College. And we have a North Carolina college for the colored people, a college of liberal arts, and a college of mechanical arts, and normal

schools, and high schools, and elementary schools.

I should like to talk a little about North Carolina. The children of parents of the Negro race go to school just as long as do the white children. Their schools are just as well heated, and we have actually adopted a plan under which the Negro teachers will be paid precisely the same amount that the white teachers are paid, and that will be brought to pass within 25 months. All the budgets to that end are laid out. So they receive education and public-health protection and police protection and general-welfare protection. Then there ensues a great quarrel because some say that an able-bodied man 21 years of age, and under 50 years of age—that is the rule about the poll tax—should pay $3 for all that. I should think he would be ashamed not to pay it. With respect to the relation of the payment of the tax to the opportunity or privilege of voting, I should think a serious question would be raised as to whether a man is qualified to vote if he is absolutely indisposed to pay the price of a quart of liquor or 8 pounds of tobacco or 2 bushels of wheat for the protection of the State and the maintenance of the commonwealth in peace and in war.

As for the plea of poverty, it has always been the rule that the county commissioners can relieve any man on the ground of poverty or infirmity.

I am saying these things notwithstanding that North Carolina has abolished that qualification.

Now, let us take up another matter. Suppose, Mr. President, you lived in North Carolina and owned a farm, and did not pay your taxes. They would treat you just like the C. I. O. proposes to treat the workers; they would take your farm away from you. Did you ever have your property advertised for taxes? Did you ever wake up in the morning and read in the newspaper that the sheriff had advertised your property, although you had worked 40 years to save your estate, during depression and panic which finally had deprived you of any funds? If that happened, you realized that merely for the failure to be able to pay your taxes, the power of the State was exerted to deprive you of the savings and the value of the efforts of a lifetime of thrift and labor.

Mr. President, all I am saying is that if a man enjoys the benefits of government, and is reasonably able to pay, he should be glad to pay; he should be happy to pay. Certainly, if my Government has the right to take the roof from over my head because I fail to pay taxes—and it has that right; I have seen the advertisements in the newspapers, page after page—it should have some means of collecting a poll tax from a citizen who is unwilling to pay the price of a quart of whisky for the privileges of life in a State.

That is one object of the poll-tax qualification. At least it is said to a man, "If you do not pay your poll tax, you should not vote. If you are not willing to make any contribution for the schools and the police and fire-protection systems and the prevention of the spread of epidemics—if you are unwilling to pay anything—why should anyone be greatly concerned as to whether you vote or do not vote? If you do not have enough interest to pay $3 a year for all those things, although we know you are receiving $50 or $60 worth of them, and you are able to pay, why should anyone be particularly concerned whether you vote?"

I should think a man able to pay should be made to pay. The poll-tax qualification is just the mildest form of inducement. If we did not have that, we might have to garnishee a man's salary or wages; and if he utterly refused to support the State in any way, shape, or form, he might be indicted as a criminal.

So, Mr. President, I take it that the poll-tax qualification is reasonably to be considered as in support of a historic tax, which, so far as I know, has been highly regarded for at least 3,000 years, and obtained in practically every one of our Original States when they were first created. It obtained under Tiberius Caesar, for we remember that on the occasion when Joseph went from Nazareth to Bethlehem, where the world's Redeemer was born in the stable, Joseph was very poor. He could not get a room in the inn or hotel. He and his wife went there, not for the purpose of that great consummation but only to be enrolled to pay a poll tax.

So I can say that from the beginning of the Christian era until now it has been a decent and an equitable thing that an able-bodied man enjoying the benefits of government should pay a poll tax. Let me say that I do not understand that the poll tax was ever imposed upon women, and I do not know of any poll tax which has been imposed upon the aged. I have never heard of a poll tax which was imposed upon a young man under 21 years of age. It seems to me that a poll tax of the character I have described is not unreasonable and is not to be abhorred. If it is not, there should be a means of collecting it, and there should be inducements to paying it.

The mildest form of inducement is the deprivation of the right to vote in an election. It would be considered worse if we had the old garnishee system, which was repudiated, but which obtained for some time. It obtained when I was a young man. It would be worse still if failure to pay were made a crime. We do not like the conception of crime in matters of that sort.

After all, the eight States which have the poll tax at least have a reasonable justification for it, and it is altogether gratuitous to impute to them bad motives, and say that the poll tax is not for the purpose of revenue, as in my State, to relieve the poor and maintain the public schools, but is for the purpose of disfranchising some worthy man.

But even in the worst consideration, the poll tax is not bad compared to what the C. I. O. is putting forward in America. Under the check-off system, the employer is required to deduct the amount of the dues of the worker before the worker ever receives his pay. He is not even given the privilege of paying his dues. They are taken from him by force of law. I suppose if a worker should refuse to pay his union dues the Army would be called upon and he would be dumped out on the street. I am not talking in terms of extravagance. That is not unlike what has happened. That is what may happen again in Chicago.

As I recall, the principle of maintenance of membership in unions was started in the Kearny shipyard strike about 2 years ago. The union members struck and the shipyards were closed. Ships are just as indispensable to this war as are men and arms. The workers struck at a time when we did not know whether we would have enough ships, at a time when our enemies were sinking them at such a rate that it was a serious question whether we could build and launch them as fast as the Germans were sinking them off our coasts. As a part of the terms of peace, as a part of the terms of going back to work for their Government, which was paying the shipyard workers better wages than any similar workers ever received before, the maintenance-of-membership principle was introduced. Their leaders would not permit them to go back to work until the shipyard operators signed a contract to maintain the union membership.

What did that mean? It simply meant that if any worker failed to pay his dues the labor union could turn him out of his job, turn him out on the street to starve, so far as the union was concerned. Yet the same people are raising all sorts of riotous sentiment, assaulting the Constitution of the United States, and holding up the Senate in the supreme hour of conflict, not in protest against the States for depriving a man of his living for failing to pay a poll tax but for simply saying, "If you have the money and are unwilling to pay it, we do not see why you should vote." The States have a right to do that. That right is recognized in the Constitution. It is a reasonable right.

One further word, and I shall move on to the discussion of what I mean by an assault on the Constitution. I wish to return to what I said yesterday and point out that we are face to face with an organized, well-financed, ably led movement by the leftist-wing members of the American Labor Party to capture the Democratic Party by infiltration. They propose to nominate the President for a fourth term, and they are very noisy about it. They propose to defeat any Senator, any Member of the House, or any other candidate for public office who does not bow down to their policy of coercing the workingmen of America, their policy of saying, "If you do not pay, you shall not work." They are saying to Senators that if they do not vote for all manner of extravagant and subversive demands, "We will organize in your State and send you out in the wilderness to starve with the worker who fails to respond to our demands for a $25 initiation fee and a dollar a month dues."

I call that coercion, and I am ashamed of the fact that my Government is a party to it. I will never apologize for it. I will never defend it. I will always oppose it. Such a policy may be written into every political platform, but I will

not run for office on any such platform. It is coercion in a free country. The eight States which have a poll tax do not coerce men into paying a poll tax; yet the same people who are protesting against the policy of the eight States are the chief exponents in America of the coercive collection of labor-union dues from the workers of America. The coercion goes to the point of demanding of the Government itself that we give the labor union the power to turn a man out in the wilderness to starve. We have done it, and we ought to be ashamed of it.

When we are talking about constitutional questions, and raising them, I raise one which is founded on the Bill of Rights. I protest against depriving men of their life, liberty, property, and means of livelihood without due process of law, and at the will of labor bosses. If we carry the thing far enough, and let them operate as they are operating, yielding to them on the ground of political expediency, if a Senator is reelected by following such a course, or if some demagogue runs against a Senator and is elected, further demands will be made. What has been applied to workers will be applied to farmers. John L. Lewis himself has been organizing the dairymen in New York. We shall be asked—and threatened with being turned out of office if we do not comply—to arrange matters so that a farmer will not be able to sell his cotton, tobacco, wheat, or stock unless and until he has paid his initiation fee and his monthly dues to a labor union. The analogy is precise. The worker sells his services. The farmer also sells his services when he sells his cotton. We may call them commodities. When a man puts his lifeblood into his cotton crop, or into any other crop which he produces, it is ultimately represented in services.

I have so far shown the results of the policy of coercion that I do not have to paint a picture of what they are. However, they represent what has taken place in America. On the farms even now sales are limited to certain amounts. If a sale takes place for more than the amount to which it has been limited, a 50-percent penalty is assessed on the farmer. That is just another step toward the final result. An election takes place in Wake County, N. C. That is my county. If a certain number of farmers are organized, all the others must pay dues as well, and if they do not pay dues they cannot sell cotton. That may be a demand which will be made upon them in the course of time.

We go along from day to day, and some of us are afraid to go out into private life. I do not know that I should say much about that. I am too old a man to care much about those problems.

The other day I was reading a speech by Cicero against the Antonines in which he said that he had served the cause of liberty in his youth and that he did not fear to serve it in his old age. He said that he would not take any great credit unto himself for being willing to die in his old age for his country. He was willing to die when he was young, he said, "But now if I die I will lose very little because I do not have much to lose." So I will not set up any standard for myself or any other Senator. But I am saying that in this democracy—no, this is a representative republic. It never was a democracy, and I hope that it never will be one. I should like to be understood about that. A democracy in America is an impossibility. It has been an impossibility in every country, at all times and in every age. Pure democracy means dictatorship. It is impossible for 130,000,000 people to get together and govern a country. It is impossible for 50,000 people to get together and govern the city in which I live. Washington would be perfectly unbearable if the attempt should be made to govern the city by a democracy composed of everyone in the city saying how it should be governed. This Government was founded in the light of history, as a representative democracy in which representatives of the people administer the laws, conduct the business of legislation, and give an account every 2, 4, or 6 years to those who elect them. That form of government is representative democracy. It is American republicanism.

That is what we mean by "the Republic." It is not all that we mean, because our Nation is divided into States not only for the purpose of local self-government, but also for the purposes of diluting the strength of the central government, preventing the spread of its power, and protecting the people against it. However, in a country of this kind—a representative democracy, or a republic—there are temptations. There are temptations to cater to groups like those which are bringing pressure in connection with the pending proposed legislation, and to cater to demands such as those which have been made by labor organizations. Men can rise to power by way of catering. However, those who yield to such temptations should remember that in doing so they lay their self-respect upon the altar of their ambitions, and with their self-respect they surrender their country.

So far as I am concerned, I am at liberty to say much on that point, because if I should be defeated it would not do me much harm. I am willing to meet the challenge now, as I did when I was 21 years of age. So much for that part of the argument.

I shall now go into the matter of direct assault upon the Constitution. That is what the bill is. I shall first read the bill. I have before me both the Constitution and the bill. The bill reads as follows:

Be it enacted, etc., That the requirement that a poll tax be paid as a prerequisite to voting or registering to vote at primaries or other elections for President, Vice President, electors for President or Vice President, or for Senator or Member of the House of Representatives, is not and shall not be deemed a qualification of voters or electors voting or registering to vote at primaries or other elections for said officers, within the meaning of the Constitution, but is and shall be deemed an interference with the manner of holding primaries and other elections for said national officers and a tax upon the right or privilege of voting for said national officers.

In the first place, that language runs head-on into the second paragraph of the first article of the Constitution, as to the meaning of which there can be no debate. It reads as follows:

SEC. 2. The House of Representatives shall be composed of Members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

Whatever else may be said about that language, it must be conceded that it is plain. There cannot be two ways about its meaning. If we can debate about it we can debate about anything.

The other thing which we must say about it is that it is the Constitution, and that all the Congresses which ever existed cannot change it. When any Congress undertakes to override the Constitution, flying directly into its face, and when any organization puts on pressure in an attempt to override it, we are bound to look behind the move in order to see the motive. I believe that the motive here is to destroy the Constitution through the Senate and the House of Representatives. If by an act of Congress we can strike down section 2, article I of the Constitution, override and disregard it, and deny what is there expressly set forth, namely, that "the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature"—if we can argue that way, we can argue any other portion of the Constitution away, we can argue any clause in the Constitution out of it, we can take the Bill of Rights and throw it out the window. If the Congress can defeat the purpose and the express language of the Constitution by an act such as is here proposed, there will be no Constitution, the Congress will be a law unto itself, and God have mercy upon the American people when that happens.

Furthermore, the bill provides—

That the requirement that a poll tax be paid as a prerequisite to voting * * * is not and shall not be deemed a qualification of voters or electors voting or registering to vote at primaries or other elections for said officers, within the meaning of the Constitution.

That is an assault upon the judiciary, and it is an assault upon the judicial section of the Constitution, which declares that:

The judicial power shall be vested in one Supreme Court and in such inferior courts as the Congress may from time to time ordain and establish.

If the Congress can define the meaning of a word in the Constitution, it can rewrite the Constitution tomorrow morning, and I do not know but that the gentlemen who are so busy lately with their Committee for Political Action would immediately proceed into the country this year to secure the election of Representatives and Senators who would write the meaning of the Constitution to suit the Committee for Political Action, headed by Sidney Hillman of the American labor union, the C. I. O., and formerly active in the Russian Revolution in the Bolshevik days. He never was a

worker, but always an adventurer, and he is now engaged in his greatest adventure as a member of another party coming into yours and mine, Mr. President, to destroy them.

Now let us go back to the argument. The Congress does write definitions of words in acts. In many of the more important measures we begin by saying, "As used in this act, these words shall mean so and so." That is in order to make clear the intent of the Congress. But here is a word written in the year 1787, nearly 158 years ago; it has been there for almost 16 decades; its meaning has been established in the minds of the American people and the courts every year and every decade and never has been questioned for one moment. It is not in an act of Congress, but in the Constitution. But along comes somebody—I do not know who wrote this bill, and I do not care to call names—and asserts the power of the Congress of the United States to say what anything shall mean within the contemplation of the Constitution.

I am telling you, Mr. President, that the Congress cannot do it, and I am telling you when it is undertaken those who undertake it are either grossly ignorant or are engaged in a deliberate and defiant assault upon the Constitution of the United States and are undertaking to usurp the judicial power of the Supreme Court. Yet, today such a provision is before the Senate; we are considering it, and we have the whole Senate standing still while we consider it.

One of the Senators yesterday raised a question as to whether the Federal Government had the power to go into my State in case of provocation, to establish a republican form of government. Well, the Constitution provides for that. I hope the necessity will never arise, but I will say to the Senate the republican form of government will not be worth 2 cents in America whenever the power of Congress is asserted to define the terms in the Constitution. The definition of those words is reposed in the Supreme Court of the United States. The Congress cannot define them. So there is the second assault.

Then there is another assault in the provision in which those responsible for this bill undertake to apply their doctrine with respect to the election of Members of the House of Representatives and Members of the Senate, to the election of electors in the electoral college. Let us see how that gets in the bill. The first article of the Constitution does say that:

> The House of Representatives shall be composed of Members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

Now let us look at the matter of electing a President and Vice President. Article II, in the second paragraph of section 1 provides:

> Each State shall appoint in such manner as the legislature thereof may direct a number of electors equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress, but no Senator or Representative or person holding an office of trust or profit under the United States shall be appointed an elector.

What does that say? It does not say electors shall be elected by the people at all. It does not say that there shall be any qualifications whatever for electing electors. It says that each State shall appoint in such manner as the legislature thereof may direct. And yet the proposed legislation now before the Senate undertakes to uproot that section of the Constitution and to determine the qualifications of voters notwithstanding the appointing power is exclusively in the States. The State may elect by its legislature. I think it could delegate the power to the Governor. The Constitution says "each State shall appoint." So there is the third assault on the Constitution.

I do not think any act has ever been presented to the Congress that is more conspicuously and glaringly in defiance of the Constitution. I cannot believe that those responsible for this legislation do not understand that. I think they do. I do not think the Committee for Political Action cares a thing on earth about the Constitution. They are after power; they are after controlling the labor of this country and the workers of this country; they are going headlong in that direction, and if they should get the power, the Constitution would disappear and the country with it and the poor misguided people who gave them the power would suffer total loss and destruction.

Mr. President, I wish to speak a little longer on certain cases, but before I get to them, let me say that I happen to have here a very impressive statement which was made in the constitutional convention of North Carolina when the question of ratifying the Constitution of the United States arose. It will be remembered that the State of North Carolina at first, by an overwhelming vote, refused to ratify. They did not like the Constitution, and they did not like it because the Bill of Rights was not in it. They were willing to ratify after the Bill of Rights was promulgated, and George Washington gave assurance that he would have favored including it all the time if he had thought its inclusion was not understood and implied. That was his statement. He was surprised that anyone took for granted we would form a government without the Bill of Rights. He thought we would take over the old English bill of rights. But when the States balked, and Rhode Island hesitated, North Carolina actually voted down the Constitution, notwithstanding the pleas of the delegates who had attended the Convention.

A second convention was called, in 1789, and then, in the clear prospect that the Bill of Rights would be adopted, North Carolina ratified, and became the last of the Thirteen States, or the next to the last, to join the Union. I think Rhode Island claims to have been the last, and I shall not dispute about that.

In the North Carolina convention, when the Federal Constitution was presented, the very question with which we are dealing here today arose, and John Steele, one of the delegates, referring to the matter of electing Representatives in the Congress—Senators not being involved then—made remarks as follows:

> Who are to vote for them?

That is, for the Representatives.

> Every man who has a right to vote for a representative to our legislature will ever have a right to vote for a Representative to the General Government. Does it not expressly provide that the electors in each State shall have the qualifications requisite for the most numerous branch of the State legislature? Can they, without a most manifest violation of the Constitution, alter the qualifications of the electors?

It will be remembered that the shoe was on the other foot in those days. We were afraid the Federal Government would put something over on us. Now it appears some are afraid the States will put something over on the Government.

> The power over the manner of elections does not include that of saying who shall vote.

That is, does not allow the Congress to say who shall vote.

> The Constitution expressly says what the qualifications are which entitle a man to vote for a State representative. It is, then, clearly and indubitably fixed and determined who shall be the electors; and the power over the manner only enables them to determine how these electors shall elect—whether by ballot, or by vote, or by any other way.

That is a very fine interpretation of paragraph 4. Mr. Steele stated the only possible interpretation of sections 2 and 4. His view is confirmed by William R. Davie, who had been a member of the Federal Convention. He was the father of the University of North Carolina, a very eminent and noble man, one of our delegates to the Constitutional Convention.

I have stated the understanding of the State of North Carolina, which I represent as a Senator. I stand on the understanding of my State, and if I did not stand on it, I would be guilty of perfidy to the State of North Carolina, and I would deserve to be thrown out in disgrace.

Furthermore, if this language of the Constitution shall be altered, and a meaning given to "qualifications" which we have no right to give, striking out a qualification which there is no right to strike out, striking down paragraph 2 of article I, the Congress of the United States will be guilty of perfidious conduct toward the States which ratified the Constitution and trusted themselves to the Federal power. It is inconceivable to me that men should lend themselves to anything of that sort. There is involved here something deeper than overriding the Constitution. It is bad faith with the constituent States of the United States.

Mr. President, I shall conclude with a remark or two about two cases. It appears that more or less reliance has been placed on the Classic case, decided by the Supreme Court May 26, 1941, and the subsequent Texas case, Lonnie E. Smith against S. E. Allwright and James E. Linzza, election judges, decided April 3, 1944.

I rather agree with Mr. Warren with respect to the Classic case. If any Senators are in doubt on this subject, I suggest that they get the report of the hearings, which is not long, and read Mr. Warren's statement. Mr. Charles Warren is one of the most eminent lawyers and one of the most eminent public men in America. He is author of The Supreme Court in United States History, and if there is in America a monumental work written by an American, that work is entitled to that description. I think it is regarded as the last word on that great subject.

Mr. Warren is the author of other works. He has spent a lifetime studying Supreme Court decisions and the Constitution. He says that after reading over and over the Classic case from Louisiana, he cannot find one word which suggests anything whatever about the power of the Federal Government over the qualifications of voters who may vote for Members of the House or Members of the Senate. Of course, he did not find anything relating to the qualifications for voting for electors who may be appointed by the States.

It is interesting to note that there has been a great deal of talk about the Negroes, our colored friends, in connection with that case. I have read the case several times; I read it over again this morning. One cannot find anything in that case which relates to the colored people, or, if anyone wishes to call them Negroes, I shall call them Negroes. The case did decide that where a party primary is an integral part of the election machinery—and I think by that is meant, a legalized primary under the State law—the law of the United States with respect to elections applies. That surprised some of the people in the southern section of the country, who thought, in the best of faith, that a legalized primary, notwithstanding it was legalized, was a party affair. But beyond their surprise and disappointment, I do not think it is a very serious matter. We can adjust ourselves to that. We are no more required to have a legalized primary than is South Carolina. If we want our party nominations to be party affairs, the door is open.

I served the Democratic Party in North Carolina many years in the days of conventions, and while I prefer the legalized primary, there is a price we will refuse to pay for them. I once discussed with a famous politician the question of legalized primaries as against conventions. I asked him, "Why are you so opposed to legal primaries?" He said, "BAILEY, the change to legalized primaries will take all the poetry out of politics." So South Carolina is going back to poetry, and we can also.

All the Classic case says is that a legalized primary is an integral part of the election machinery, and therefore every right protected by the Constitution may be invoked by a man who is qualified, but he must be qualified. It does not say anything about what the qualifications are. I understand perfectly what it means. No one can be thrown out of a legalized primary on account of race, color, or previous condition of servitude. That cannot be done. If he is a Democrat, if he is qualified, all the power of the Federal Government may be brought forth under the Civil Rights Act and the subsequent acts which are cited in the case, and more than the power that is provided in the fourteenth and fifteenth amendments.

I take the view that section 2 of article I of the Constitution does establish the right in a qualified voter to vote for a Member of Congress, and that the Congress may enforce this right. But he must be qualified. What is the language?

> The House of Representatives shall be composed of Members chosen every second year by the people of the several States.

The Constitution of the United States says this:

> And the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

The State can determine the qualifications; the Constitution determines the right, and the Congress enforces the right. I think that is all that is settled in that case.

Mr. McKELLAR. Mr. President——

The PRESIDING OFFICER (Mr. WALSH of New Jersey in the chair). Does the Senator from North Carolina yield to the Senator from Tennessee?

Mr. BAILEY. I yield.

Mr. McKELLAR. I was very much struck by the statement of the Senator that the meaning of section 2 of article I is so clear and unmistakable that really no reasonable man can misunderstand it. The Senator's statement caused me to compare section 2 with section 1, and in my judgment section 1 is no clearer in its language than section 2. Section 1 provides:

> All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

It would be just as reasonable, for example, to argue that section 1 had some other meaning, that it referred to any Congress that might be assembled, or that someone might want to assemble, as to say that section 2 does not mean exactly what it says. It seems to me they both stand on the same footing and are so clear that no reasonable human minds could reach differing conclusions respecting them.

Mr. BAILEY. I thank the Senator from Tennessee.

I come now, in conclusion, to the Smith case from Texas, a more recent case. That was a case in which the race question was brought out. There was alleged to be a refusal of an election officer to give a ballot or to permit a Negro citizen to cast a ballot in the primary election held June 27, 1940, for nomination of Democratic candidates for the United States Senate and House of Representatives, Governor, and other State officers. The refusal is alleged to have been solely because of the race and color of the proposed voters. This case found its philosophy in the decision in the Classic case. In the Classic case it was held that a legalized primary is an integral part of the election process and, therefore, is subject to the Constitution of the United States—the fourteenth amendment, the fifteenth amendment, section 2 of article I and section 4 of article I. Section 4 of article I provides—and I shall read it in order to be accurate—

> The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.

What reliance on earth can be placed on that language with respect to the qualifications of voters? The Constitution had already declared its will on that subject, and had provided that the qualifications of voters should be the qualifications fixed by the State for electors of the most numerous branch of the State legislature. The times, places, and manner of holding elections for Senators and Representatives, shall be prescribed in each State by the legislature thereof, but the Congress may at any time by law make or alter such regulations. That means the regulations of the manner of holding the elections. That has never been in dispute in this country for 50 years. That is good law. I never heard any question raised about it. But I must say I am utterly amazed at the quality of a man's thinking, his capacity to reason, who would construe the words "manner of holding elections" to embrace the qualifications of voters, when that has already been written in plain words in the Constitution.

Mr. MILLIKIN. Mr. President——

The PRESIDING OFFICER (Mr. HILL in the chair). Does the Senator from North Carolina yield to the Senator from Colorado?

Mr. BAILEY. I yield.

Mr. MILLIKIN. May I remind the Senator that the seventeenth amendment, having to do with the direct election of Senators, repeats the qualification provision so far as Senators are concerned which the Senator has been discussing and which appears in article I of the Constitution; and, of course, the seventeenth amendment was adopted subsequent to article I, and subsequent to the fourteenth amendment out of which considerable debate has also developed.

Mr. BAILEY. I thank the Senator from Colorado. Of course, by the seventeenth amendment the election of Senators was transferred from the legislatures to the people, and in doing so we used precisely the same language which had been used 134 years before, which had never been challenged during the 134 years, and which had never been subjected to debate or dispute or question. We thought if there was any language concerning which no doubt would ever be raised it was that language; we thought if there was any language that could stand, notwithstanding the fourteenth or fifteenth amendments, it was that language.

I believe I shall conclude now with one word more. The fourteenth and fifteenth amendments to the Constitution were adopted in the Civil War decade. The southern people, to very large extent, were not permitted to vote on the question of the ratification of those amendments. There were many disabilities. Our States went out of the hands of their people. The other day I noticed that the fourteenth amendment received only 25,000 votes in North Carolina, and the votes in opposition were only 3,000. We all understand about that. So far as I am concerned, I have accepted the fourteenth and fifteenth amendments just as I accept every other part of the Constitution. I have sworn to support it, maintain it, and defend it against all enemies, foreign and domestic, and regardless of whatever may be said about times that are long past. It is 79 years, now, since Robert Lee surrendered to Grant, and it is 79 years since Johnston surrendered to Sherman. Three great wars have occurred since then. I hope my friends on the other side of the aisle and my friends who live across the Mason-Dixon line will not think I am boasting when I say that in those tests of blood our sons have sealed their loyalty, first, in the Spanish-American War. Since then we have had a great World War; and there was no holding back in the South, no holding back in North Carolina. Our men went freely and joyously, with great courage. I think their Confederate fathers must have been proud of them.

Here we are today in the midst of another great war. I think 300,000 young men from North Carolina are in this war. All that occurred in the past has gone. All of it has been wiped out. It is all washed away. I hope we shall never have any more sectional questions in this country. God forbid that we should ever have racial questions, either. On that point I am tempted to say something. I think there are approximately 2,000,000 Negroes in the North and probably twelve or thirteen million of them in the South. It is 80 years, now, since they were freed. The president of the University of North Carolina, Frank Graham, a man whose reputation as a liberal and forward-looking man is unquestioned throughout this country, I think, made a speech the other day at the great institute at Tuskegee, Ala. In that speech he said that in these 80 years the Negroes of the South have achieved greater progress than any other race has ever achieved anywhere, at any time, in any similar period. I think that is true. It is a marvelous thing to think about.

Mr. MILLIKIN. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. JOHNSON of Colorado in the chair). Does the Senator from North Carolina yield to the Senator from Colorado?

Mr. BAILEY. I yield.

Mr. MILLIKIN. Let me suggest that the Negroes have achieved that progress under the Constitution of the United States; that their greatest protection in that achievement has been afforded by the maintenance of the Constitution of the United States, and in the achievement of their further progress the Constitution will continue to be their chief protection.

Mr. BAILEY. That is correct, and I thank the Senator for pointing it out. I am very grateful to him for doing so.

Mr. President, the Negroes achieved that great progress because there was something in them. Let us give them all due credit. They have come forward wonderfully. They have good homes and good schools. They are building banking institutions and insurance companies in North Carolina. They are getting along with us perfectly, and will continue to do so, until some sentimental-minded person who knows nothing about them comes down there and gets off a lot of silly guff. I do not blame the Negroes at all about that. I think the progress they have made is due, in part, to the fact that they are in the United States of America, which is the land of opportunity and the land of promise. Their progress also is due to the fact—remember that I am giving them credit, and I also give their country credit—that they lived down there among people who understood them, people who have reason to have an interest in them, and, I rather think, people who got much of their religion from them. It has taken all three factors to bring about the wonderful progress the Negroes have made, and, best of all, they have had law and order under the Constitution of the United States. The men and women are not their friends who lead them to be resentful against the southern people. Those men are not their friends who undertake to lead them in an assault upon the Constitution—the charter of their liberties and their rights, their progress and their hopes.

Mr. RUSSELL. Mr. President, I ask to have printed in the body of the RECORD, following the address of the Senator from North Carolina [Mr. BAILEY], a very able article by Mr. Gould Lincoln, which appeared in the Evening Star of yesterday, and which has to do with the pending measure.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE POLITICAL MILL

(By Gould Lincoln)

Efforts to side-step the Constitution, through congressional laws as well as through administrative acts, have been plentiful in recent years. The attempt to drive the so-called anti-poll-tax bill through the Senate—it has already been passed by the House—is just another case in kind.

The control of elections and the qualifications of the electors are left, by the Constitution, in the hands of the States. Congress and the courts, in the past, have stuck to this interpretation of language which is certainly clear enough. But politics steps in—aided and abetted by pressure groups. It is now proposed, by congressional enactment, which presumably the President will approve, to give the Federal Government the right to say what the qualifications for voting shall be in the States. The proposed flaw would deny the right of the States to levy a poll tax as a voting qualification.

Here is no question as to the wisdom of a poll tax or nonwisdom. It is just a question whether the Federal Government shall control State elections. The States in the past have had property qualifications, educational qualifications, residence qualifications, and poll-tax qualifications for voting. Gradually many of them have been done away with. But always by State action—not by action of the Federal Government. Always the constitutional provisions have been recognized in the past.

The present effort to have the Federal Government impose its will on the States is political. One group, several groups, are putting pressure on Members of Congress by threatening the loss of Negro votes in the Northern and Western States, where the Negro vote may hold the balance of power in close elections. Other groups believe that it would be better, anyway, to have the Federal Government control in elections.

The argument advanced by proponents of the anti-poll-tax bill is that the Federal Government has an inherent right to control elections for Federal office—for President and Vice President—and in elections to the Federal Legislature, the House and Senate. A second argument is made—which seems pretty specious—that the payment of a poll tax is not a qualification, but a regulation, or condition.

Well, if a tax to vote is a regulation, so is a registration requirement and a requirement of 6 months' or a year's residence in a State to vote. The Congress, under such construction, could do away with registration or residence requirements. It might even go further and set up regulations of its own and prohibit citizens of the States from voting unless they conformed.

The second section of article I of the Constitution says, "The House of Representatives shall be composed of Members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature." This has never been changed. It's the Constitution now. Further, when the Constitution was amended to bring about the popular election of Senators, exactly the same language was used regarding the electors in the States.

The southern Senators have declared their intention of preventing a vote on the anti-poll-tax bill, even if they have to filibuster. One of them, Senator ELLENDER, of Louisiana, who held the floor in a filibuster against an antilynching bill for 6 days some years ago, is prepared to speak for 100 hours on this poll-tax measure. Others are ready to help talk the measure to death.

The supporters of the anti-poll-tax bill have been able to line up a majority of the Senate to vote for it—but they have failed, according to the polls of sentiment, to get a necessary two-thirds of the Senators to support a cloture resolution. Without cloture the bill cannot be brought to a vote. The prospects are for a week of debate, a vote on cloture, which will fail, and ultimate laying aside of the measure.

Mr. CONNALLY. Mr. President, I had intended to present for printing in the RECORD the article by Mr. Gould Lincoln to which attention has just been called by the Senator from Georgia. Mr. Lincoln is one of the most distinguished and able publicists in the field of journalism. He is a wise and sound writer, and I commend his views to Senators on both sides of the Chamber.

The PRESIDING OFFICER (Mr. JOHNSON of Colorado in the chair). The Chair observes that a quorum is not present. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Aiken	Ferguson	O'Mahoney
Austin	George	Overton
Bailey	Gerry	Radcliffe
Ball	Gillette	Reed
Bankhead	Guffey	Reynolds
Barkley	Gurney	Robertson
Bilbo	Hatch	Russell
Brewster	Hawkes	Shipstead
Brooks	Hayden	Smith
Buck	Hill	Stewart
Burton	Jackson	Taft
Bushfield	Johnson, Colo.	Thomas, Idaho
Butler	La Follette	Thomas, Okla.
Byrd	Langer	Tunnell
Capper	McCarran	Tydings
Caraway	McClellan	Vandenberg
Chavez	McFarland	Wagner
Clark, Mo.	McKellar	Walsh, Mass.
Connally	Maloney	Walsh, N. J.
Cordon	Maybank	Weeks
Danaher	Mead	Wheeler
Davis	Millikin	Wherry
Downey	Moore	White
Eastland	Murdock	Wilson
Ellender	Nye	

The PRESIDING OFFICER (Mr. McFARLAND in the chair). Seventy-four Senators have answered to their names. A quorum is present.

The bill is open to amendment.

Mr. GEORGE. Mr. President, I realize that the Senate has heard a great deal of discussion of this question and that many Senators are absent. However, I wish to discuss the bill, and I hope that my general discussion will be brief.

In the first place, Mr. President, allow me to say that the issue involved here does not raise any question of race. There is nothing in the bill which refers to race, nor is there anything in the so-called poll-tax system, as it exists in any of the States, that is based on race, or involves race, whether Negro, Norwegian, Pole, or any other race. I am very happy that that is true, because the Senate should consider this question on its merits, and without any consideration of extraneous matters such as alleged discrimination, and other allegations which have often been injected into the consideration of the validity of the poll tax as it now exists.

As a matter of fact, Mr. President, I was reared with the Negro, and partly by him. I have never had any prejudice against the Negro race as a race. Those who have injected the race issue have been those who seek to profit by it in votes upon this bill. In other words, I assert frankly and bluntly that those who would raise or inject the race issue do so solely with the hope of creating prejudice through which to control the votes of the Members of the Senate who are called upon to vote upon this issue.

Mr. President, the issue before us does not in its true sense involve the question of the merits or nonmerits of the poll tax. I am moved to say that personally I have not favored the continuance of the poll-tax system within my own State. Therefore what I shall say, and what conclusions I may draw, will not be influenced one whit by my devotion to the poll-tax system as such.

I think the poll tax should be abolished. I think it is being abolished. I am morally certain, and without a single doubt concerning it, that it should be abolished by the only sovereignty that has any right to create it, or to impose it; namely, the State. The Federal Government has nothing whatever to do with it unless it wishes to interfere with respect to a matter over which it has no jurisdiction.

Mr. President, I wish to emphasize the two statements which I have just made: First, that personally I do not favor a poll tax as a requisite to voting in primary, general, or special elections. Second, that there is no issue of race and no question of race, color, or creed, involved in this discussion, because the poll tax, for instance, in my own State—using it as an illustration—is univeral in its application to all classes to which it applies.

Prior to 1943—a fact which I shall notice in a moment—every person in my State who was 21 years of age, and who had not reached 60 years of age, was, with certain exceptions, required to pay a poll tax. There was no application of the law with regard to any particular race or color. It applied to all. It was universal in its application. While I am on that point allow me to say that in Georgia, one of the eight States having a poll-tax law, the poll tax is not imposed in order to affect or control the franchise, to inhibit, or in any way to discriminate against any person on account of his race. In fact, we had a poll tax during the time when Georgia was a colony. The colony of Georgia imposed a poll tax before the Constitutional Convention was held. That, be it remembered, was at a time when the Negro did not vote anywhere. Actually, at the date of the passage of the first poll-tax law in Georgia the Negro, free or otherwise, did not vote in a single American State. He certainly did not vote in the State of Georgia. The tax was not imposed, therefore, with a view of controlling suffrage or affecting the right of anyone to vote. From early colonial times down to the present time, in all our laws dealing with the question of suffrage, we have imposed a poll tax. We have provided for its collection, and we have also provided for the distribution of the revenue derived from the levying of the tax.

Subsequent to the Declaration of Independence—as I recall it was in 1777—the poll-tax provision was made a part of the Constitution of the State of Georgia. No Negroes voted. Such a thing as a primary was unheard of. Such a thing as control of suffrage by the imposition of a poll tax in Georgia was undreamed of. We have the tax. Our tax is $1 a year, and it is imposed upon all persons of voting age who have not reached 60 years of age. It is noncumulative. The poll-tax revenues are put into the common-school fund for the support of education in the State.

Last year we adopted a constitutional amendment in Georgia giving the right to vote to all persons who arrive at the age of 18 years. The amendment itself provides that persons between 18 and 21 years of age—the latter the old voting age or majority age—shall not be required to pay a poll tax in order to be entitled to register, and therefore to vote. It is not applicable alone to Negroes or to whites or to Swedes or to Norwegians, but it is applicable to all inhabitants of the State who have resided in the State a required number of months and in the county in which they vote a required number of months.

Georgia had in her law another provision with reference to the payment of taxes, a provision which persisted until some years after I came to the Senate, and that was that, in order for anyone in Georgia to register and vote he must show or be able to show that he had paid all taxes legally due and demandable of him within a certain period of time prior to the date of his registration. Bear in mind that included all taxes. One could not vote if he had not paid all taxes. If he were in default on his property tax or any other tax legally imposed by the State he could not vote, he could not legally register. Of course, the purpose of the requirement was to aid and assist the State in collecting its taxes. When the depression came along the law was changed in the State because many of the best citizens of the State, perhaps the largest property owners, particularly among the farmers with large acreage were unable to pay their taxes because of the extreme depression into which we entered in 1929 and 1930. The law was changed so that the taxpayer was not required to pay any property tax in order to register and vote; but the poll-tax provision which had been in our law since early colonial times and in our Constitution even before the adoption of the Federal Constitution, was continued.

A case was brought up from Georgia several years ago known as the Breedlove case. It is true it involved the right to vote for a State official and a Federal official; but the Court very clearly said that the tax was all right, and the requirement, as an incident to the tax in order to effect its collection, that it be paid before the inhabitant was entitled to register and to vote was likewise all right.

Later on another case came up from Tennessee which involved the clear question of whether or not the poll tax as a requirement for voting was valid in an election for a Federal official, to wit, a Member of the House or the Senate—I have forgotten the facts. That case was decided by the lower court. An effort was made to have it reviewed by the Supreme Court, but the Supreme Court denied even a hearing on it, and followed the logic, the doctrine, and the principles of the decision in the Breedlove case.

I shall not argue at this moment whether any of the later cases have changed or modified those earlier cases further than to say that the Classic case from Louisiana did not deal with the qualifications of electors. There is not a single word in the opinion in that case which shows that that question was even involved. There is some language used along that line, but it did not deal with the question of the qualifications of electors. It did deal with the question of the integration of the primaries into the election system of the State so as to make the primaries a part of the State's election system and the fifteenth amendment applicable to primary elections. Beyond that it did not deal with the

question of the qualifications of electors at all.

Neither, as the distinguished Senator from North Carolina just said in his able address, did the late case involving the validity of the Texas primary law involve any question of the qualifications of electors.

Now, let us look at the matter for a moment without the slightest disposition to resort to legal refinements of any kind, because when anybody wants to vote in accordance with the Constitution, difficulty only arises by reason of efforts to inject legal refinements or serpentine methods of construing and interpreting, without following the plain, obvious, clear, and unmistakable meaning of the Constitution.

Take a look, if you please, Mr. President, at the old Articles of Confederation, which were in effect before we had a Constitution, and in which is found the key to the whole problem. It will be borne in mind that the Act of Confederation of the United States of America grew out of the fact that the delegates of the United States of America in Congress assembled on the 15th of November, in the year 1777, and in the second year of the independence of America, agreed to certain articles of confederation and perpetual union between the several named States of the Union. In article 2 it is said:

> Each State retains its sovereignty, freedom, and independence, and every power, jurisdiction, and right which it is not by this Confederation expressly delegated to the United States in Congress assembled.

If there be added to that language the words "nor prohibited to the several States," we find all there is in the tenth amendment.

Now let us look at the old Articles of the Confederation a little further. By article 5 it is declared:

> For the more convenient management of the general interest of the United States, delegates shall be annually appointed in such manner as the legislature of each State shall direct, to meet in Congress on the first Monday in November, in every year, with a power reserved to the State, to recall its delegates, or any of them.

It is true that the Articles of Confederation are not the Constitution and were a rather loose document. The old Articles of the Confederation did not give adequate power as a basis for a strong national government, and they fell apart primarily because the Confederated States did not have the authority and power to collect taxes. They could recommend that the States levy taxes, but they had no way to enforce the recommendation. So there followed the Constitutional Convention of 1787.

Now let us look at that for a moment, and not for the purpose of making a legal argument. In that Convention there were various and conflicting views upon many, many problems which had to be faced by the delegates, and on the question of electing Members of the House of Representatives there were at least three different definite theories. They were fought out in the Convention. For 2 days there was lively debate. Of course, we have not full reports of that Convention, but there is enough in the fragmentary reports which have come down to us, and in contemporary writings, to indicate that there was very lively debate.

There were three different theories, represented by three groups. One group insisted that the qualifications of voters in the States who were qualified to vote for Members of the House of Representatives should be definitely fixed and written into the Constitution, uniform in application among all the States.

The second group insisted that the power should be given directly to the Congress to prescribe the qualifications of electors; in other words, that the naked power should be given to the Congress to prescribe the qualifications of electors, so that the Congress might from time to time determine the qualifications.

The third group was the one which prevailed in the Convention, to wit, those who did not want to prescribe uniform qualifications to be written into the Constitution in terms, did not want the grant of power expressly to the Congress to prescribe qualifications, but they wished the qualifications of the electors to be the same as the qualifications of the electors in the States for members of the most numerous house of the legislative body of the State.

Those were three definite and conflicting views, and for 90 years no one but Charles Sumner, of Massachusetts—and I see my distinguished friend the junior Senator from Massachusetts [Mr. WEEKS] present—and perhaps Thaddeus Stevens ever suggested that anyone had the right to deal with the question of qualifications of voters for Members of the House of Representatives except the States, indeed, that the States themselves could not superadd—I think that arises by implication—to the qualifications of an elector for a Representative in Congress anything beyond what was prescribed as a qualification for electors in the election of the most numerous branch of the legislature of the State.

Mr. EASTLAND. Mr. President——

The PRESIDING OFFICER (Mr. MAYBANK in the chair). Does the Senator from Georgia yield to the Senator from Mississippi?

Mr. GEORGE. I yield.

Mr. EASTLAND. The Senator is making a very able address. He just stated that Charles Sumner was the first man who, after the Constitutional Convention, said that the States did not have exclusive authority to define the qualifications of electors, which was true, except that Charles Sumner maintained that any State could fix educational qualifications, or tax qualifications, or any other qualifications for voting, but could not disfranchise a person because of color.

Mr. GEORGE. That is correct.

Mr. EASTLAND. And because of that, Charles Sumner would have condemned the pending bill.

Mr. GEORGE. The Senator is correct; but I am not discussing Sumner seriously, because the wild doctrines of Charles Sumner and Thaddeus Stevens never became American law. They are not grounded in American law, and even among his contemporaries Sumner had no respectful following on the question of interpreting the American Constitution. But what the Senator from Mississippi has said is true as a matter of fact.

Mr. President, it is not possible to imagine that the delegates to the Constitutional Convention ever would have voted for the Constitution as drafted, or that the States would have ratified it, if it had contained a provision like that which it is now insisted should be written into the Constitution itself by interpretation. At that time there was extreme jealousy. At least nine of the States had fixed the qualifications for voters for officers of the States, including members of their legislative bodies. Many of them had property qualifications much more drastic than any poll tax that is levied in any single State, and it is not possible to imagine the adoption or the ratification of the Constitution if what we are now asked to do had been proposed at that time. As a matter of fact, it was not proposed, except in debate, and after 2 days of very sharp debate the third compromise offered was accepted and written into the Constitution, and has ever since been in the Constitution.

On that point, let me stress what the distinguished senior Senator from North Carolina [Mr. BAILEY] had to say about the language of the bill. The Senator from North Carolina correctly pointed out that the bill flies squarely in the face of the Constitution in terms. It is solemnly declared in the text of the bill that—

> The requirement that a poll tax be paid as a prerequisite to voting * * * is not and shall not be deemed a qualification of voters or electors voting or registering to vote at primaries or other elections * * * within the meaning of the Constitution.

I ask Senators, and I ask the American public, from what source did this doctrine derive, to wit, the doctrine that the legislative body of the Government has the power to interpret the Constitution, has the power to write language into the Constitution by the passage of legislation? No legislative body, following the English principle of representative government, has or ever has had, so far as I know, power to write language into a written Constitution which is itself declared to be the supreme law of the land, and under which the legislative branch of the Government is organized in matters of legislation

Mr. MURDOCK. Mr. President——

The PRESIDING OFFICER (Mr. JACKSON in the chair). Does the Senator from Georgia yield to the Senator from Utah?

Mr. GEORGE. I yield.

Mr. MURDOCK. I think the Senator from Georgia has just made a statement which should be remembered by every Senator present so long as he remains in the Senate. I think the Senator's statement is absolutely correct. But I wonder if we did not do that very thing the other day when we adopted the Byrd resolution—if we did not then set up a committee of the United States Senate to pass judicially on whether or not the

executive department of the Government had acted within the law in doing what it did at Chicago. I am very happy to have been here this afternoon and to have heard the statement made so eloquently and logically by the Senator from Georgia on the question, as I understand it, of anyone assuming that the Congress of the United States has judicial power to interpret what the legislature of a State has done. I agree thoroughly with the Senator that we have no such power. But it seems in this day and age that the Congress is constantly, as I see the picture, reaching out by way of investigating committees, into the judicial field, and especially did we do so the other day when we adopted the Byrd resolution. If any Senator present doubts that statement, if he will read the resolution he will see that that is exactly what the Senate of the United States, by adopting the resolution, attempted to do. I agree with what the Senator from Georgia has said.

Mr. GEORGE. I thank the Senator, but I do not wish to get into a discussion of matters outside the subject before us at this time.

Mr. President, why is what I have said true? It is not only true historically, but it is true necessarily because if by interpreting the Constitution we say that certain things shall not be deemed to be qualifications within the meaning of the Constitution, we can say by interpretation that certain other things shall not be deemed to be qualifications, and that certain things shall be deemed to be qualifications, and on ad infinitum until we shall have completely destroyed the Constitution.

Our Constitution is something different from the constitutions of many other countries. In some instances the constitution of a country is said to be an unwritten constitution. That is so in the case of the English Constitution, as an illustration. In other instances the constitution is said to be merely on a parity with a legislative act. That was true, I believe, of the French Constitution. It could be changed by the legislature. In still other instances a constitution has been nothing more or less than a declaration of public policy. But that is not true in America. The Constitution of 1787, under which we organized this Government, is declared to be the supreme law of the land along with laws passed in pursuance of, that is to say in harmony with that Constitution, and with treaties made by the President and the Senate. So that we have a different system altogether. If in this case we have any warrant for stepping in and saying that we will write the word "reasonable" before "qualifications" we can write in any other words we want to write in. If we can step in and say that certain things shall be deemed to be true within the meaning of the Constitution, or shall not be deemed to be true within the meaning of the Constitution, then with respect to suffrage or any other thing dealt with in the Constitution we can amend the Constitution at will and can destroy it.

It does seem, however, that there is one other thing that the drafters of this bill should not have included in it, to wit, the provision prohibiting the payment of a poll tax as a prerequisite to voting or registering to vote for electors for President or Vice President of the United States.

That language flies directly and completely into the very teeth of the Constitution. There is not anywhere in any decision—and I am perfectly willing for any Senator to take the time to examine the decisions if he wishes to do so—any suggestion that the Federal Government can, except as indicated in the Constitution itself, place any restriction upon the power of the State to appoint or to select, as the State wishes, electors for President and for Vice President.

Recently the Senator from Tennessee [Mr. MCKELLAR] brought to the attention of this body a decision which I did not think we would so soon forget; a decision written by Chief Justice Fuller in 1892. I read from page 1064 of the CONGRESSIONAL RECORD of February 2, 1944:

> The validity of a State law providing for the appointment of electors of President and Vice President having been drawn in question before the highest tribunal of a State, as repugnant to the laws and Constitution of the United States, and that court having decided in favor of its validity, this Court has jurisdiction to review the judgment under Revised Statutes, section 709.

This is what the Court said—I do not wish to read much of it:

> In short, the appointment and mode of appointment of electors belong exclusively to the States under the Constitution of the United States. They are, as remarked by Mr. Justice Gray in *In re Green* (134 U. S. 377, 379), "no more officers or agents of the United States than are the members of the State legislatures when acting as electors of Federal Senators, or the people of the States when acting as the electors of Representatives in Congress." Congress is empowered to determine the time of choosing the electors and the day on which they are to give the votes, which is required to be the same day throughout the United States, but otherwise the power and jurisdiction of the State is exclusive, with the exception of the provisions as to the number of electors and the ineligibility of certain persons, so framed that congressional and Federal influence might be excluded.

Yet, here, Mr. President, is a bald, naked proposal to say that the State shall not select its electors for President and Vice President in a certain way. It is no answer to say that the bill does not undertake to do more than to say that if the State is going to have an election it shall not fix so-and-so as a qualification. If the Congress can restrict the right of the State in any way to appoint its own electors, save as pointed out in the Constitution, it can restrict it otherwise and in other ways. So here is a very definite frontal attack on the Constitution itself, first by transforming the legislative branch of the Government into a judicial organization by adding words textually to the Constitution. How any man—and I say it with all respect—who has taken an oath to support the Constitution can for a moment doubt that that provision in the bill stands without any legal or constitutional basis whatsoever is beyond me. This is not a case of refinement of language. It is simply a case of looking at the facts.

I tried to point out, and I think I did to those who wished to listen, that the language of the tenth amendment is to be found back in the old Articles of Confederation. The precise authority for the electors, certainly under the old Articles of Confederation, was exclusively within a State, and the Constitution follows that provision and follows it very faithfully.

Let us now look at the Constitution without any extensive argument and without any desire to resort to legal refinement or nicety of distinction whatsoever. The people of the United States, through the representatives from the several States, were sitting at Philadelphia in the Constitutional Convention, and they proposed to establish a government. They said that—

> All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

In the very next section they said in plain and unmistakable language:

> The House of Representatives shall be composed of Members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

I undertake to say that clearer language or more apt legal phraseology could not be devised by anyone at this time to express more accurately and precisely the third theory which was argued before the Constitutional Convention, and which was finally accepted by the Convention, at least one and possibly two of the other theories upon which the validity of the pending bill must necessarily depend having been rejected.

Now let us look a little further at article I:

> SEC. 4. The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.

Some persons who follow a very circuitous and very dubious method of interpretation say that the power to alter the regulations, times, places, or manner of holding elections modifies or qualifies the exclusive power of the States to determine the qualification of electors for, let us say, Members of the Congress. How could that have been? How could it be supposed that a convention composed of men of the wisdom of the delegates to the Constitutional Convention, after declaring in the second section of article I, in unmistakable language, the qualification of electors, in the fourth section of the same article would have inserted anything which would modify or affect it, or would in any wise qualify it by mere implication? By no possible stretch of the imagination can it be thought, as I view the matter, that any such contention is admissible, if one really is looking at the facts as they are and is not disposed to resort to all sorts of legal refinements in order to justify his position.

But it is said that if that is not true, then the "necessary and proper" clause, which is to carry into execution what was declared to be the constitutional rule in section 2 of article I, implies some right or power to modify the qualifications of electors for Members of the Congress. Certainly that is not permissible. Certainly that cannot be successfully contended. The "necessary and proper" clause and section 4, which I have read, do carry certain powers with respect to the elections, but none of them deals with the qualifications of electors; none of them even squints at the qualifications of electors.

Then let us look a little further. I should like to read all parts of the Constitution in which this question really enters. Passing over, for the time being, the fourteenth and fifteenth amendments, which of course are familiar to all Members of the Senate, let us take a brief look at the seventeenth amendment to the Constitution. The seventeenth amendment was, of course, proposed and ratified long after the ratification of the fourteenth and fifteenth amendments, long after all the debates revolving around the fourteenth and fifteenth amendments had occurred. What does the seventeenth amendment say?

> The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for 6 years; and each Senator shall have one vote.

That language was used when our people were changing the method of electing Senators, and, very properly, the change was attempted to be made by constitutional amendment.

I continue to read from the amendment:

> The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

The amendment goes back and picks up the identical language of section 2 of article I, written in the original Constitution. Can there be any question or doubt that all those who really made the Constitution or had to do with the making of it knew that section 4 of article I did not qualify the terms and words of section 2 of article I, which had just been written, after 2 hard days of debate, by the men who sat in the Convention, and who knew very well that that did not modify the qualification of electors?

So, Mr. President, when the seventeenth amendment was framed, those who drew it up went back to the very language of section 2 of article I, for the most accurate phraseology with which to describe precisely and exactly what they wished to accomplish. I dare say the language is the most precise and exact which could be devised by wise men.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. GEORGE. I yield.

Mr. CONNALLY. I wish to congratulate the Senator; I think he is making a very strong presentation on the particular question of the effect of the adoption of the seventeenth amendment. I wish to ask him a question in that connection. Is it not true, as a matter of construction, that when a legislative body reenacts a former provision of law it does so in the light of the construction and the manner in which the first one has been handled and viewed by the legislative bodies and the courts, and that in this case up to that time it had never been questioned that that is exactly what it meant?

Mr. GEORGE. Exactly.

Mr. CONNALLY. And when it was reenacted by adopting it, that construction was necessarily readopted; was it not?

Mr. GEORGE. The Senator is entirely correct. That construction was necessarily readopted. We never adopted any of the theories, which I have described as wild, which were advanced by Senator Sumner, of Massachusetts, and Mr. Stevens, of Pennsylvania. But their doctrines, let me repeat, never became a part of United States law, so far as the interpretation and construction of the Constitution of the United States are concerned.

We did deal with the question of the qualification of electors in two constitutional amendments. We dealt expressly with that question. Why was there the necessity of doing so, if we already had the power to do so? Mr. President, to ask the question seems to me to answer it. We dealt with the question of the qualification of electors in two separate constitutional amendments, one the fifteenth amendment, in which we provided that—

> The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

We also dealt with that question in the nineteenth amendment, in which we provided that no one should be denied the privilege of voting on account of sex. Yet some of the reckless leaders of many well-meaning persons in this country talk about the fourteenth amendment as if it were something by which all citizens of the United States are given the right of suffrage, and talk about the right of suffrage as if it were a constitutional right which can be protected by Congress by prescribing what are the qualifications of electors, and by striking down any State law on the subject.

The only times in our whole history when we have dealt with the question of the qualifications of electors have been in connection with the fifteenth and nineteenth amendments. In the seventeenth amendment, which came between the fifteenth and the nineteenth, the identical language was repeated, declaring who were the qualified electors to vote in a congressional election. Yet we are asked to say that in some strange and mysterious way we have the right to add to the language of the Constitution.

I grant—I believe the distinguished Senator from Utah [Mr. MURDOCK] advanced this viewpoint—that there is another provision of the Constitution which guarantees to each State a republican form of government. I am not able to discuss at this moment precisely what that means. There have been few authoritative interpretations of that provision of the Constitution, and very few decisions which deal with it in a very informative way. But whatever that power is, it does not involve the question of suffrage. It does not involve the question of the control of suffrage by the Federal Government. If a State has lost its republican form of government, then under an express constitutional grant to the Congress there is power to restore that constitutional form of government. It has nothing to do with suffrage. It is probebly true that one could imagine an extreme case in which by sapping and mining, the Federal power within a State could be so pared down as to destroy the character of the State government as a republican form of government, so as to bring into existence the express constitutional power to guarantee to each of the States a republican form of government.

Mr. President, when I try to see what my duty is, I simply look at the plain language of the Constitution and follow it through from the second section of the first article, take a look at the fourth section of the same article, at all the necessary and proper clauses in the Constitution, and then at the provision which gives to the States the power to choose their electors for President and Vice President, the States having the exclusive power to choose as they see fit, either by an election, or by authorizing the legislature to elect them. The State might authorize the Governor to appoint them, subject only to the qualifications laid down in the Constitution itself.

When we look at the amendments which have been made to the Constitution, beginning with the fifteenth, which deals expressly and directly with the question of suffrage, and the nineteenth amendment, we see that the sovereign people of this country, acting in the way prescribed in the Constitution, dealt with this very question of suffrage. Then when we look at the seventeenth amendment, which came between the fifteenth and the nineteenth, we find repeated in that amendment precisely the same language as we find in article II of section 1.

It seems to me that there can be no reasonable doubt about the meaning of the Constitution. That would be true, I think, if we had no history of the Constitutional Convention. I think it would be true if we had no decided cases upon the question. I think it would be true if it were a question of first impression, if we were looking at the question frankly and candidly to see exactly what was meant by the second section of article I of the Constitution, where it is expressly declared that the electors for Members of the Congress—and later, by the seventeenth amendment, electors for Members of the Senate—shall have the same qualifications as are required by the State in the election of the most numerous branch of its own legislature.

It seems to me that that should be the end of the whole matter. I am happy to repeat what I said in the beginning. I am not arguing this question as one who believes in the poll tax. My personal position is the other way. However, my State has a declared policy

on this matter. It is exclusively a matter for the State. I am not reading into the poll tax laws of my State any discrimination against any race or any creed, because the law is uniform. It applies to all people who fall in the classes subject to the poll tax. As a matter of fact, at any given time, perhaps more white persons are unable to vote in Georgia because of nonpayment of the poll tax than Negroes who actually have applied for the privilege of voting, or who have offered to vote. But that has nothing to do with this issue. It is not involved here. I have already stated that I would not discuss it.

However, there is one question involved here, beyond the constitutional infirmities, fatal as they are, which I think ought to be discussed. It is a very important question. It has something to do with every American State. If we can add to the qualifications, or intermeddle with the laws of the States which have fixed qualifications within the States to vote for congressional officers, then we are inviting the Federal Government to enter the States and take charge of elections. Let no Senator think that the Federal Government will not do so. Never in the whole history of this Republic have we seen a movement toward a vast and centralized power in Washington at all comparable to what we have seen in the past 10 years. If the pending bill should become a law, and the Supreme Court should sustain it, that would finish the States.

What more intimate, more highly personal matter to the citizens of every State than the right of the citizen to vote under his own laws, for his own officers? Can anyone imagine any single function of a State which is more important to the citizen, that is more to be jealously guarded, than the right to say who shall vote within the State, and what is required of an elector in the State to elect State and county officers, as well as Federal officers?

Mr. President, while I am on the subject, allow me to say that at the time of the adoption of the Constitution, not only had nine States provided for express qualification of electors within the States, not only was the argument which is now advanced in support of this bill never heard in the United States for 90 full years, except with one or two exceptions which have already been noted; and not only have the people of the United States, when dealing with this important question of suffrage of electors, amended the Constitution in the way in which the Constitution itself provided that it could be amended, but the States have always jealously guarded the right to say who is qualified to vote for officers within the State.

Not at this hour is there, nor at any time in the past has there been, any person, even the most extreme zealot, who would destroy the American Constitution, who does now or has dared to assert that the States cannot today prescribe whatever qualifications they wish to prescribe for electors to vote in all State elections for State officers, subject only to the qualification that a person cannot be denied the right to vote merely because of his color, race, or previous condition of servitude, and subject to the further qualification that women cannot be denied the right to vote since the adoption of the nineteenth amendment. Mr. President, that statement belies the pious and infamous arguments which have been advanced by men who have appeared before committees of Congress and insisted that the authority of the Congress to establish qualifications of electors for Federal office within the States is to be found in the fourteenth amendment to the American Constitution. If there is any authority in the fourteenth amendment to the Constitution which gives Congress any right to strike down a qualification which was validly enacted by a State for its own electors in voting for Federal officers, it would apply equally to the qualifications of electors in voting for State officers. Such authority does not derive from the fourteenth amendment. If it derived from the fourteenth amendment, it would be as applicable in one instance as in another. That is why proponents of this measure quibble about it, and talk about the fourth section of article I, and the proper and necessary clauses giving to the Congress the authority to carry into effect the provision of the Constitution to which I have referred.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. GEORGE. I yield.

Mr. HATCH. I wish to refer to the particular point which has been made by the Senator from Georgia, especially while he is discussing the fourteenth amendment to the Constitution.

Even if that amendment had the effect which the proponents of the pending measure contend, does not the amendment itself negative the contention that Congress may pass legislation of this kind, by pointing out specifically what the penalty for violation of the amendment shall be, namely, a reduction in representation?

Mr. GEORGE. I believe the Senator is entirely correct, because he is referring to the second section of the fourteenth amendment.

Mr. HATCH. Yes.

Mr. GEORGE. Mr. President, all the debates which were held on the fourteenth amendment show that it was not intended in any way to limit or to restrict the power of the States over suffrage except as provided in section 2 of the fourteenth amendment, which prescribed a remedy if the States should prohibit any persons from voting who were 21 years of age. I think the Senator is entirely correct in his statement.

I was never any more earnest about anything than I am about the point I am attempting to make. Any Senator who votes for this measure, if it shall finally become law without a constitutional amendment dealing specifically with the subject and restricting the language to the subject matter of the amendment, will live to rue the day. There is nothing more intimately and vitally connected with the sovereignty of the State, with the integrity of the home of every citizen within the State, with the peace, happiness, and welfare of every man, woman, and child within the State, than the power of his State to control its own intimate affairs, and to say who shall vote and who shall not vote in its elections for its own officers.

Section 2 of article I is not a grant of power to anybody. It simply sets up a command from the people themselves, through their representatives, to establish a government. It does not grant any power to anybody, so far as the particular question under discussion is concerned. It does not prohibit anything to the States. There may be an implied prohibition that the State cannot superadd to the qualifications of an elector in voting for a Member of Congress something over and beyond what is prescribed for an elector in voting for members of the most numerous branch of his State legislature.

The tenth amendment, which reflects the philosophy of the old Articles of Confederation, while the very heart and soul of our dual system of government, the American system of government, perhaps, as George Washington thought, was not necessary. However, as nearly all the other great leaders of the time believed it to be necessary in order that there could be no doubt about it, in express terms it was provided that nothing not specifically granted to the Federal Government or prohibited to the States shall be held to deprive the States or the people of any of the rights and powers theretofore enjoyed by them. That is the basis of the American system of government. It is not the basis that the Communist Party in America, and all its officers, into whatever party they may have gone, wish to accept as the basis of government. They want a strong central government. They wish to ignore the States. They know that they cannot go into the States and browbeat and coerce men standing in sight of their homes into abandoning and betraying America, but they think they can concentrate their power on the National Legislature, and can bring so much pressure to bear upon it as to force its Members to grant their wishes.

Mr. President, human liberty depends finally and at last upon local self-government, upon government administered by local officials, selected by the people of the community, responsive to public opinion in the community. The farther we travel away from self-government, even local self-government, the farther we travel away from freedom itself.

That is why the O. P. A. is not a very popular agency. It is administered by men who have not been elected by anybody over whom they serve. They have been appointed by the executive branch of the Government, though under an act of the Congress, it is true. I am not criticizing them; but that is why so many of their orders, so many of their rulings, so many of their restrictions are found to be objectionable to a people accustomed to freedom, to a self-governing people. On that subject, Mr. President, allow me to say that the one certain way through which men have lost the right of self-government, or even the

capacity to govern themselves, has been through the neglect to assert and to exercise that right.

So it is by all odds the most important issue that can come before the Congress. And it comes here at a time when we have granted extraordinary powers to other branches of the Government for the necessary and proper prosecution of the greatest war in human history; it comes here under the whip and spur of men of alien philosophy, un-American to the very heart and core; it comes here under the plausible plea that some States are doing what others do not want them to do, and therefore it is sought to have the Federal Congress step in and take those States by the throat and force them to do what it is desired they shall do. This is but the first step toward the complete and absolute centralization at Washington of all power over the people, because when the people of any State lose the power to say who shall vote in their State for sheriff, for member of the legislature, or for any other officer elected by them, whenever that power is circumscribed, save under some great impulse that may spell itself out in an amendment like the fifteenth or the nineteenth amendment, then that State has lost its power to preserve its liberty and the liberty of its citizens and must depend upon a strong central government here in Washington. That is precisely what is here involved. This strange doctrine was not heard of in the Congress until 1924. It comes right out of the communistic doctrine, right out the very campaign literature of the Communists.

I do not quarrel with the fight against the poll tax. I have said that personally I do not favor it. There are only eight States that have it now, and steps are already under way in about three of those States to abolish it. Probably in time it will be abolished, and certainly it will be if the sentiment against it grows throughout the country and in those States, but those States themselves should be left free to prescribe the qualifications of their own electors; and the Constitution in express terms has said that whatever they prescribe as the qualifications of their electors for the most numerous branch of their legislatures shall be the qualifications of the electors in elections for Representatives in Congress and for Senators.

It is not a matter of such tremendous importance whether Georgia or any other State having a poll tax may abolish it; but it is a matter of supreme importance when the right is asserted to be in the Congress of the United States to step within those States and say "We do not like the qualifications you prescribe for your electors and we are going to change them; we are going to add something to them or are going to interpret them; we are going to exercise our prerogative about it." That goes to the root of local self-government; that is a fatal assault upon the dual system of American government, the American system itself; and that at this time under the whip or spur of alien philosophy and alien teaching is the culminating assault upon anything like a constitutional system of government in America.

Mr. President, it ought not to be necessary for any man to stand here and do more than to read the passages from the Constitution which I have read. It ought not to be a question here of whether some of the practices of Indiana are offensive to some of the people in Georgia, or even the majority of them, or whether the practices of Alabama, under her local laws, the laws governing her most intimate and sacred rights and privileges, to wit, her suffrage laws, are pleasing or displeasing to a vast majority of the people of many other American States. That is not the question. The question is whether we are willing to say to every man who comes here, "If you can amend this Constitution, as it provides, all well and good, but you cannot come here and force through the Congress of the United States legislation which will in its effect destroy our very system of government." We have seen too clearly the unmistakable and at times the almost inevitable drift to concentrate power in one branch of this government to be unmindful of what is now implied.

I do not say that that motive actuates everyone who is opposed to the poll tax. I myself do not like it. I do not say that many good men have not reached the conclusion that the poll tax in some States other than their own should be abolished and that are willing to do anything they can to bring that about. But I do warn that this interference and intermeddling, especially under leadership alien and foreign to America, alien and foreign to American philosophy, and alien and foreign to American thought, is one of the most dangerous things that has been presented to the Congress, certainly since I came here.

Mr. President, I express the profound hope, and back of it is a certain confidence, that the American Senate will not take this step, because the inevitable consequence of this step will be to hasten the day when the States and local communities will have lost all power and all control over their legislative bodies and over their own local affairs.

If it is possible to read in the necessary and proper clauses of the Constitution authority to change the plain requirements of section 2 of article I, and of the same language in the seventeenth amendment to the Constitution, there can be read in the necessary and proper clause power to do anything that a power-mad, selfish group wishes to do in America.

Mr. MEAD. Mr. President, I realize the difficulties which are encountered in an attempt to follow a man with the ability of the distinguished Senator [Mr. GEORGE] who has just taken his seat. He is an able constitutional lawyer, he is a distinguished Member of this body, and he is one of the most effective debaters in the Senate. But, Mr. President, there is another side to this debate. There are a great many people in the United States who are now denied the right to vote who should have a voice, an advocate, and a champion in this Chamber.

Before I discuss the merits of the pending bill, I wish first of all to compliment and commend the opponents of the measure for their fairness and for the consideration they have accorded the advocates of the bill in permitting it, without obstruction, to be made the pending order of business. I believe that was a gracious gesture, and one which I know is generally appreciated.

I believe I can say for the supporters of the measure that they, too, have been very considerate. Under the leadership of Chairman Van Nuys, this bill was delayed so as not to interfere with vital emergency and war legislation. Careful consideration was given by him and by those interested in the bill to the problems which were pending before the various committees of the Senate. Consideration was also given to the individual Senators who had problems with which they themselves were deeply concerned, and which they wanted to have considered before this matter was made the subject of debate on the Senate floor.

Mr. President, the bill has been very carefully considered. Perhaps no bill in this Congress has received the meticulous consideration and the detailed study accorded the pending bill. True, it has been before the Senate on previous occasions, it has been the subject of exhaustive hearings on previous occasions, but the particular bill now before us, a House bill, was before the Committee on the Judiciary of the Senate for at least 5 months prior to being reported, and approximately 5 months on the calendar before it was brought up for consideration. During all that time there has been much discussion of the bill and ample opportunity to study it. So it comes before the Senate a well-considered proposal.

The bill was introduced in the House of Representatives at the beginning of this Congress. It is a coalition measure, which resulted from the introduction of at least five bills in the House. Representatives MAGNUSON of Washington; BALDWIN of New York; GAVAGAN of New York; BENDER of Ohio; MARCANTONIO of New York; and DAY of Illinois, introduced bills on this question. They were referred to the Committee on the Judiciary for committee consideration, and from the committee came the bill which we are now called upon to consider.

Mr. President, the pending bill is one which deals with a national question, a Federal matter. It has to do with Federal Representatives and their election, as well as the election of President and Vice President of the United States. It has nothing to do with the election of State officials, nor does it in any way interfere in purely State campaigns or elections. It is a national question, a question which deals with a national problem, and one inherent in this Federal set-up of ours.

The bill is not, as has been inferred, the creation of any individual, or the pet object of any particular group.

Mr. MCKELLAR. Mr. President, will the Senator yield at that point?

Mr. MEAD. I am very glad to yield.

Mr. MCKELLAR. Let me ask the Senator whether it has not received the approval and the very active encouragement of the New York State Committee to Abolish the Poll Tax, and is it not true that within the last few days a committee from that organization has called on the Senator from New York and urged

him to press and push forward the pending bill in any way he could? Is that not correct? I read a statement in a New York newspaper that that was true. I ask the question of the Senator from New York because I understood the committee was here and called on the Senator. I do not know whether the Senator saw the committee, but the newspaper stated that the Senator had seen the committee. Is not the bill now before the Senate, the bill which is favored by the New York State Committee to Abolish the Poll Tax?

Mr. MEAD. Mr. President, I intended to come to that subject a little later in my speech, but I will say to my distinguished colleague, the Senator from Tennessee, that a great many organizations have endorsed the bill. I do not recall that that particular organization or a representative body of that particular organization called upon me this week. They may have called upon me today. A great many organizations have called upon me.

Mr. McKELLAR. I have their names as reported by the newspaper as having called on the Senator, and if the Senator does not object I shall be glad to refresh his memory by giving the names.

Mr. MEAD. No, that would not be necessary. It would not add to the argument I am advancing. A great many organizations representing a great segment of our population have called upon me. It is their right to do so. I am sure the Senator has no objection to their calling upon me.

Mr. McKELLAR. None whatever, but when the Senator from New York was giving the history of the bill——

Mr. MEAD. But I did not get a chance to give the history of the bill, because I had barely started when my distinguished colleague asked me a question which I was later going to deal with and answer.

Mr. McKELLAR. I hope the Senator will. I want to know whether the bill is not favored by the New York State Committee to Abolish the Poll Tax?

Mr. MEAD. If the Senator from Tennessee will exercise a little patience, I express the hope that I will win him over to my side of the argument.

Mr. McKELLAR. I am afraid the Senator is expressing a very forlorn hope. My good friend the Senator from New York is very optimistic.

Mr. MEAD. The mere fact that I have the Senator from Tennessee smiling makes me feel better.

Mr. McKELLAR. I thank the Senator.

Mr. MEAD. Mr. President, as I was saying, the bill has been carefully considered. It has been before this body and before the House of Representatives on several occasions. It received the emphatic, overwhelming endorsement of the House of Representatives on a number of occasions, and Members from the deep South joined with Members from the North and the West in their enthusisatic advocacy of the bill. These Members came not from any one section of the country but from every section of the United States, and they were not the communistic influences that Senators have been talking about on the floor of the Senate this afternoon. Those who sponsor the bill, I am sure Senators will all admit, are not Communists. Certainly the emphatic vote of the House of Representatives, numbering on one occasion 251, on another occasion 265, on another occasion 286, is, in my judgment, an overwhelming endorsement which ought to impress itself upon the Members of the Senate, or at least cause them to refrain from leaving the impression that the bill grows out of a communistic effort to impose alien ideas upon our Government.

Mr. President, the Gallup poll, conducted in every State in the Union, when it presented two questions, one having to do with the conduct of the filibuster and the other going right to the heart of the issue, "Do you favor the repeal of the poll tax?", resulted in a victory in almost every State in the Union for abolition of the poll tax, and resulted in a similar victory in the deep South when it had an opportunity to go to the people, just as would happen if the pending bill were to have an opportunity to go to the people, and just as it did in the House where it had an opportunity to come to a vote.

Mr. President, the bill was endorsed by a great instrumentality of this body; it was endorsed and approved by the Committee on the Judiciary of the Senate. Who are its members? How are they selected? Are they usually selected because they know nothing of the law? Are the men who serve on the Committees on the Judiciary, who are called upon to pass on legislation, unfamiliar with the Constitution? Are they without knowledge of the law?

Mr. President, if Senators will read the roll of the members of the Committees on the Judiciary of the Senate and of the House, I am sure they will agree with me that lay Members of this body are absolutely within their rights in accepting guidance from the legal minds that have not once, not twice, but on a number of occasions passed on the constitutionality, so far as they can, so far as their authority permits, of the bill which is now before the Senate. In my judgment, the men who have served 5 years, 10 years, some of them 20 years on the Committee on the Judiciary, have risen to the height where then can rightfully be called legal experts. They may not always be right, but, Mr. President, when they have passed upon a problem on numerous occasions there should at least be doubt in the minds even of those who oppose the measure, and in my judgment we should all be satisfied to pass the question on to the courts, whose duty it is, whose prerogative it is ultimately to decide as to the constitutionality of the measure.

Mr. STEWART. Mr. President, will the Senator yield for a question?

Mr. MEAD. I am glad to yield.

Mr. STEWART. The seventeenth amendment to the Constitution requires the election of Members of the Senate to be by vote of the people. That amendment provides in part that the electors in each State—that is, of course, persons who vote for candidates for the Senate—shall have the qualifications requisite for electors of the most numerous branch of the State legislature. The same provision appears in the original Constitution with respect to the election of the Members of the House. Suppose the pending bill, H. R. 7, should be passed, and as the Senator from New York has already stated, would apply to the President, Vice President, and Members of the Senate and of the House of Representatives; suppose then that in a state such as Tennessee, my State, which has a poll-tax law, that law should not be repealed by the State; suppose that House bill 7 becomes law. When the November election this year comes around, assuming that a Senator were to be elected from Tennessee, and, of course, the Members of the House are to be elected—under the law of Tennessee the electors voting for the most numerous branch of the State legislature would be required to pay a poll tax. If House bill 7 were passed, would there not then be a conflict between the provisions of the law and the Constitution?

Mr. MEAD. Mr. President, I am not a lawyer, and, of course, I could not attempt to debate a legal or constitutional question with so distinguished or able a lawyer as my brilliant friend and colleague the junior Senator from Tennessee [Mr. STEWART]. However, I am sustained in my decision in part by another distinguished lawyer from Tennessee who voted for this bill when it was before the House of Representatives. He said—and I quote from the RECORD:

> This bill can be sustained under three provisions of the Constitution. It can be sustained as constitutional under the fourteenth amendment, first section, which provides that no State shall make or enforce any law that infringes the immunities and privileges of the citizens.

Then he went on to say, among other things:

> The second provision under which this legislation can be sustained as constitutional is under the fourth section of article I of the Constitution, which gives the Congress the reserved right to regulate the time, the place, and the manner of holding elections. As has been stated in many cases, "in the manner" covers a multitude of situations.

I have quoted at random from the CONGRESSIONAL RECORD, from a very able address made in the other House by a very distinguished Representative from the State of Tennessee. Not being a lawyer, I must of necessity look to my colleagues for guidance.

But, Mr. President, as I have said, the Judiciary Committee of the House, the Judiciary Committee of the Senate, and all the lawyers who are associated with me have sufficiently sustained me in the thought that the bill was and is constitutional.

Mr. STEWART. Mr. President, will the Senator yield again?

Mr. MEAD. I yield.

Mr. STEWART. I believe the Senator will agree that, of course, that argument is not responsive to the point I have undertaken to make. I read from the seventeenth amendment, which in fact was ratified after the fourteenth amendment was ratified. If there should be any conflict, I assume the provisions of the amendment later adopted would control.

The first point I have undertaken to make is simply that in construing the seventeenth amendment the electors, namely, those in Tennessee, or in any

other State, who vote for Members of the Senate must be qualified according to the provision—

Shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.

One of the qualifications in Tennessee is that they must pay their poll tax before they can vote for the members of the State legislature. But if the pending bill is enacted into law, certainly there will be a serious conflict between the provisions of the bill and the constitutional provision. How could voters who have not paid their poll tax, and who therefore cannot vote for the members of the most numerous branch of the Tennessee Legislature, vote for candidates for the Senate? That is the point I was making.

Mr. MEAD. Mr. President, I suppose the constitutional provision with reference to the election of Senators is a restatement of what was provided in the Constitution with reference to the election of Federal officials generally. I presume that amendment, when we consider as a whole the philosophy underlying it, as in the case of the philosophy underlying the nineteenth amendment, is in keeping with the trend of our times; namely, to expand, to become more liberal, to add to the number of those who may vote, and to add to the interest in voting. That very trend, according to statements I have recently read, emanating from the courts, has reached the courts, because their statements and their decisions have been more liberal and more insistent upon a wider participation in suffrage. I wish to congratulate the leaders in the legislative bodies of Tennessee, because within recent years they have endeavored to eliminate the poll tax. In fact, they did so by act of the legislature; but I understand that, unfortunately, the courts held it would have to be done through the medium of a constitutional amendment. In view of the attitude of the State of Tennessee on the question of the poll tax, and its effort to get rid of this obstacle, this barrier, I am sure it would not find any difficulty in summoning the legislature and correcting the situation which my able friend the Senator from Tennessee has brought to the attention of the Senate. If I were a constitutional expert with his knowledge of the Constitution, probably I would be able to prescribe a very brief method of procedure to that end. But, again, I must be sustained by the wholesome attitude taken by the people of Tennessee when they recently repealed the poll tax. In that endeavor I can find hope that this problem will be properly handled or corrected as soon as we pass the bill.

Mr. EASTLAND. Mr. President, will the Senator yield?

Mr. MEAD. I am glad to yield.

Mr. EASTLAND. The Senator has spoken of the philosophy underlying the nineteenth amendment, and has said it was the trend of our times to expand the suffrage. Is not the fact that the Constitution had to be amended in order to give women the right to vote, conclusive proof that Congress does not have the right to pass the pending bill which would expand the suffrage?

Mr. MEAD. That is correct; in that instance the Constitution was amended. But I am citing a number of instances which have occurred not only in the United States, but also in other nations. Mr. President, in some countries people who do not vote are fined. The trend is altogether different than it was centuries ago, when democracy was an experiment, and when only a few people—and they had practically no knowledge of it—believed it could be successful.

Mr. EASTLAND. Mr. President, is it the Senator's argument that a trend over the world and events over the world should change the Constitution of the United States?

Mr. MEAD. Oh, no. I do not believe I contended that. But a trend any place has the power to move men; and, as Jefferson well said, the Constitution is not a static instrument, but it should be changed when the will of men so decides. It is a living instrument, and it grows with the people.

Mr. EASTLAND. Mr. President, will the Senator further yield?

Mr. MEAD. I yield.

Mr. EASTLAND. If the rights guaranteed by the Constitution are to be changed at the will of men and mankind, what is the Constitution worth? Is not the object of the Constitution to maintain certain fixed rights and certain fixed values?

Mr. MEAD. When I talk about the will of men in this case, I am talking about the will of Americans. If we had a Constitution that the will of the people of America today could not change or alter or modify, then the Constitution would not be the Constitution that our forefathers promised it would be.

Mr. EASTLAND. But does not the Constitution which our forefathers themselves set up provide a method of changing, modifying, or altering it?

Mr. MEAD. Oh, yes. Let me point out that some time ago the Congress proposed an amendment to do away with child labor. That amendment is hidden away in the pigeonholes of some of the legislative bodies of the country. But after that the Congress took up the subject and enacted a statute which the Supreme Court held was constitutional. I hold that this measure will follow the same procedure, and receive the approval of the Court.

Mr. EASTLAND. Mr. President, will the Senator yield?

Mr. MEAD. I yield.

Mr. EASTLAND. Of course, I am unable to predict what the Court will do. I will say frankly that I have no confidence in the ability of our present Supreme Court. But the Senator argued that this bill was constitutional under the fourteenth amendment, dealing with the privileges and immunities of citizenship.

Mr. MEAD. Allow me to correct the Senator. I read an excerpt from the CONGRESSIONAL RECORD, quoting the statement of a Representative in Congress. I stated that I was not a constitutional expert.

Mr. EASTLAND. Then that is not the Senator's argument?

Mr. MEAD. I was reading from the statement of a Representative from the State of Tennessee.

Mr. EASTLAND. I should like to read from a very noted case in which the Supreme Court of the United States took issue with that doctrine.

Mr. MEAD. I am sure it would only sustain the Senator's present position and leave mine as it is.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. MEAD. I yield.

Mr. McKELLAR. I should like to ask the Senator about an entirely different matter. The Senator is a very vigorous, determined, whole-hearted, whole-souled Democrat. He is very much devoted to his party. I profess the same devotion. I am one of those peculiar men who believe very strongly in the Democratic Party. I have nothing in the world against our Republican friends except a difference of opinion.

Mr. BANKHEAD. The Senator does not wish to create the impression that he became that way recently, does he?

Mr. McKELLAR. No; but I am like the Senator from New York; we are both whole-souled, genuine Democrats.

A while ago the Senator was asked if this was a Democratic measure. I understood the Senator to say that it was.

Mr. MEAD. Oh, no.

Mr. McKELLAR. I find, from an examination of the Congressional Directory, that Mr. MARCANTONIO, of New York City, is not listed as a Democrat. He is listed as a member of the American Labor Party. He wrote this bill and introduced it. The committee reported it, and the House passed it word for word as Mr. MARCANTONIO wrote it. Therefore it comes here with the support of the American Labor Party. I am wondering whether at this time, during a Presidential campaign, the Senator thinks it is wise, politically, to bring up a controversial measure such as this, raising questions which arouse animosity. Is this a good time politically for Democrats to be taking up an unquestioned labor measure?

I have before me the language of the original bill, and the bill as it passed the House. I have compared the two, word for word. Later I shall place them in the RECORD. This is an American Labor Party bill, and not a Democratic measure at all. The astonishing thing to me is to find my good friend advocating the bill of another party organization. We have been fighting side by side for many years—so long that probably neither of us knows exactly how long it has been. We served in the House together, and we have served in the Senate together. All this time we have been fighting for the principles and policies of our party; and at this late date I find him advocating the bill of another party organization, a measure which is likely to injure the best interests of our own party in a Presidential election year. It seems to me that from the party standpoint, if no other, the Senator might well wait until later, when we can discuss these questions to better advantage from the viewpoint of our own party.

Mr. MEAD. Mr. President, if this were the evil measure which my lovable colleague would lead me to believe it is, I should have a most difficult time consoling myself with the several votes which it received from Tennessee when it was brought upon the floor of the House.

Mr. McKELLAR. I am very sorry that any Representative from Tennessee voted for such a bill, which flies in the face of the Constitution. Even Tennesseeans, good people as they are, and good Representatives as they are, sometimes make mistakes. I think the Senator is making a mistake now. This is one occasion when I do not think I am making a mistake. I am so devoted to the Constitution that I do not think we ought to put anything in its way. We ought to stand by it. It has brought America to the position which she now occupies, and we ought to stand by it.

Mr. MEAD. Without referring to the record, I can think of three Tennesseans who, judging from their statements, are sure that the Senator from Tennessee is making a very serious mistake.

Mr. President, with reference to the political sponsorship of this bill, which is questioned by my distinguished colleague from Tennessee, let me reiterate that the bill was introduced in the House by Representative Geyer of California, and subsequently by Representative Magnuson of Washington, Baldwin of New York—no one could ever convict Representative Baldwin of New York of being a Communist or a radical—Day of Illinois, Gavagan of New York, Bender of Ohio, and Marcantonio of New York.

Mr. BILBO. Mr. President, will the Senator yield?

Mr. MEAD. I yield.

Mr. BILBO. While the Senator is discussing the influences behind the sponsors of the bill——

Mr. MEAD. I am defending the sponsors. Others have questioned the influences. I have not.

Mr. BILBO. Let me ask the Senator, Is it not a fact that the Communist Party is the first party to go on record in favor of the proposed legislation?

Mr. MEAD. It is my opinion that that is not true. I should have to examine the record, but it is my opinion that that statement is not true.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. MEAD. Let me give the Senator the satisfaction of listening to this statement.

President Roosevelt, in his press conference on February 13, 1942, denounced the levying of poll taxes as a practice which has prevented many poor people from voting. He said that all his life he had been opposed to such levies. No one would question the integrity of the statement or the fidelity to the American Constitution of the President.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. MEAD. I yield.

Mr. McKELLAR. If the Senator will permit me to reply to that statement, let me say that if the question should arise in Tennessee tomorrow, and I had the privilege of voting for or against the poll tax, I think I would vote against the imposition of a poll tax. But bringing it up in Tennessee is the proper and legal way to get rid of the poll tax. Violating the Federal Constitution is not the way to get rid of the poll tax. The President did not advocate violation of the Constitution in order to carry out his views, and neither do I.

Mr. MEAD. However, the President and the present speaker, and I am referring to myself, are unanimous in their efforts to eliminate the poll tax. I should be very happy to have the Senator go along with me and send the bill to the President, to test him on that point.

Mr. McKELLAR. It is our duty to pass upon proposed legislation. Then, when it reaches the President, let him pass upon it.

Mr. MEAD. Certainly, I believe that the Judiciary Committee of the House and the Judiciary Committee of the Senate have already done a very good job along that line.

As I stated in the beginning, I am not a lawyer. I am certainly not an expert on the Constitution. However, in order to give a brief summation of the record which I read in arriving at a determination as to the constitutionality of the bill, let me refer to the very excellent record which was made before the Senate Committee on the Judiciary on October 25 and 26, and November 2, 1943. I shall read from a statement by Joseph A. Padway, general counsel of the American Federation of Labor, before that committee, to give some idea of the support for the bill, which I think differs from the support which has been emphasized in the Senate. Mr. Padway said:

> Before I address myself directly to the constitutionality of H. R. 7, permit me to say that the American Federation of Labor as never before in its history is pressing for the passage of Federal anti-poll-tax legislation.

He points out that the American Federation of Labor has always been in favor of the abolition of the poll tax. He further states:

> I wish to submit for the RECORD two letters of President William Green, dated June 7 and September 14, 1943.

In order to add to what has heretofore been emphasized before the Senate, allow me to read from President Green's letter:

> I hope that not only the officers of affiliated unions but many thousands of individual members affiliated with State federations of labor, central labor unions, and those who are members of Federal labor unions will communicate with their respective United States Senators urging them and appealing to them to vote in favor of H. R. 7, anti-poll-tax legislation. By taking this action you will help us in our fight here to carry out instructions of American Federation of Labor conventions and to bring about the enactment of anti-poll-tax legislation.

The letter is signed "William Green, president of the American Federation of Labor."

I have read the letter because so far there has not been emphasized the support and the sustaining assistance which the American Federation of Labor has rendered in this connection.

Mr. President, I do not wish to be accused of being partisan. This matter is not a partisan one. I do not believe I should alienate any of my good Republican friends by allowing the RECORD to stand with a quotation from the leader of the Democratic Party. If Senators will be patient with me, I shall insert in the RECORD a quotation from one of the leaders of the Republican Party in order to show that both parties are in favor of the proposed legislation, at least so far as the President of one party and the candidate for the Presidency of another party are concerned.

Governor Dewey had an anti-poll-tax plank in his gubernatorial platform, which he approved.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. MEAD. Therefore, Mr. President, I have presented a new name merely to deemphasize the element which has been overemphasized as being the only group which has a copyright on the proposed legislation.

I now yield to the Senator from New Mexico.

Mr. HATCH. The Senator from New York has stated that Governor Dewey had an anti-poll-tax plank in his platform. Was that plank put into the platform while Governor Dewey was a candidate for Governor of New York?

Mr. MEAD. Yes.

Mr. HATCH. Did New York have a poll-tax statute which Governor Dewey was seeking to have repealed?

Mr. MEAD. Mr. President, I cannot tell the Senator from New Mexico what prompted the insertion of the poll-tax plank in the platform of Governor Dewey when he was seeking to be elected as Governor of the State of New York.

Mr. HATCH. If in seeking to be elected as Governor of the State of New York, Mr. Dewey had an anti-poll-tax plank in his platform which would repeal the poll-tax statute in the State of Tennessee, for instance, was he seeking to have New York repeal the poll-tax statute in Tennessee?

Mr. MEAD. It is difficult for me to understand, but an anti-poll-tax plank was in Governor Dewey's platform.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. MEAD. I yield.

Mr. McKELLAR. The Senator from New York quoted with approval Governor Dewey. I was thinking that Governor Dewey was not a candidate for election as Governor of New York State on a platform containing an anti-poll-tax plank which would apply to a repeal of the poll tax in other States. If he had such a purpose he has been somewhat overrated, it seems to me, because ordinarily State officials restrict their activities to their own States.

Mr. HATCH. Mr. President, as the Senator from Tennessee has suggested, Governor Dewey perhaps somewhat overrated himself.

Mr. McKELLAR. He was overrating himself, or overrating the vote which he expected to receive as a result of the insertion in his platform of a plank of the nature to which the Senator has made reference.

Mr. President, I should like to ask the Senator from New York about Mr. Padway. Is Mr. Padway a Democrat?

Mr. MEAD. I know nothing about his politics.

Mr. McKELLAR. What about Mr. Hillman? He is one of those who has made a fight for this bill. Mr. MARCANTONIO, a Member of the other House, has also been strongly in favor of the bill. I understand that Mr. Hillman and Mr. MARCANTONIO are members of the Labor Party. The Senator from New York seems to be following their lead in this matter. Am I correct?

Mr. MEAD. I thought that by quoting distinguished American leaders I could win the Senator over to the belief that the desire for the proposed legislation is universal, and that strong segments of all parties favor the pending bill. However, some of the witnesses to whom I have referred unfortunately have not accomplished very much, and so I shall have to rely on the Senator to believe me when I assert that the record in the House and the record from the Judiciary Committee of the Senate would lead me to believe that all parties are interested—not merely one of them.

Mr. McKELLAR. Mr. President, allow me to ask the Senator a plain question. I firmly and earnestly believe the proposed bill to be unconstitutional. Does the Senator believe that under our system of government, after I had walked up to the Vice President's desk, held up my hand to God Almighty and taken an oath to defend the Constitution against all enemies, foreign and domestic, I would submit my view concerning the pending matter to a referendum of important men like Mr. Dewey, Mr. Padway, Mr. Marcantonio, and the other gentlemen whom the Senator from New York has cited?

Mr. MEAD. I did not cite them for that purpose. I cited excellent lawyers who are in the other House, and lawyers who are on the Judiciary Committee of the Senate. They were carefully selected for the purpose of passing upon matters of this nature. I cited those men, and also legal arguments which were made at the hearings, as sustaining influences, so far as I am concerned, with regard to the constitutionality of the pending bill. I cited the President, a Governor, leading members of the legislature, and the American Federation of Labor in order to answer the argument made by my distinguished colleague that the Communist influence was the predominating influence back of this bill. I assert that it was not. I say that the Republican influence, the Democratic influence, and the influence of the great common people of America, are the real influences back of this bill. The Gallup poll, which was taken some time ago, indicated that there was widespread interest, even in the Southern States, in the repeal of the poll-tax law.

Mr. McKELLAR. Mr. President, I shall later refer to the question of leadership in the Southern States by reading an article tomorrow which appeared in the New York Times of last Sunday, as I recall, in which reference was made to the president of the New York State Committee to Abolish the Poll Tax. It is one of the reasons why I desired awhile ago to ask about the delegation which waited upon the Senator. The president of the New York State Committee to Abolish the Poll Tax is a man by the name of Jennings Perry, who is the editor of the Nashville Tennesseean. In the article Mr. Perry said that he represented the views of southern people and that they were not represented by the Representatives and Senators in Congress. I find that Mr. Perry is the president of the National Committee to Abolish the Poll Tax. In other words, this man whom various people—people from New York principally, but also from other States—have elected the head of the National Committee to Abolish the Poll Tax is also editor of the Nashville Tennesseean. They have taken a southern man under their wing and they are now quoting him as being the exponent of southern opinion. I wish to say to the Senator that Mr. Perry does not represent the views of the people of my State or the people of my area. I say that such views as he expressed in the New York Times on last Sunday were an outrage upon constitutional government in this country and an outrage upon law and order and decency. He does not represent one one-hundredth percent of the people of Tennessee when he makes that public statement.

Mr. MEAD. Mr. President, I realize by the statement made by my distinguished colleague from Tennessee that he has gone deeper into the subject he advances than I have.

Mr. McKELLAR. Yes; and I shall give the Senator all the details tomorrow.

Mr. MEAD. Therefore we can expect to hear further from the Senator from Tennessee tomorrow, and it will not be necessary for me to go further into that subject.

I said a moment ago that I found support for my views in the hearings and in the record, the record that brought the bill before the Senate after it had gone through the various parliamentary steps. I read from the record a quotation from Mr. James Madison. He said:

> Who are to be the electors of the Federal representatives? Not the rich, more than the poor; not the learned more than the ignorant; not the haughty heirs of distinguished names more than the humble sons of obscurity and unpropitious fortune. The electors are to be the great body of the people of the United States.

Mr. President, when millions are denied the right to vote, then the electors are not the great body of the people of the United States. I for one want the poor, I want those who cannot pay their poll taxes, I want the humble citizen who is now answering the call to duty to enjoy the privilege of voting.

Alexander Hamilton, Mr. President, made this comment:

> Nothing can be more evident than that exclusive power of regulating elections for the National Government in the hands of State legislatures would leave the existence of the Union entirely in their mercy.

Alexander Hamilton goes on to say:

> They could at any moment annihilate it by neglecting to provide for the choice of persons to administer its affairs.

He goes on to say:

> It is to little purpose that a neglect or omission of this kind would not be likely to take place. The constitutional possibility of the thing without an equivalent for the risk is an unanswerable objection. Nor has any satisfactory reason been yet assigned for incurring that risk.

Mr. President, I referred to trends a little while ago, and I said that ever since the American Republic paved the way for democracy to live and flourish all over the world, because we made good with this experiment in government here in America, the trend has been to be more liberal, to extend the franchise, to excite the interest of all the people in the affairs of the Nation. The Congress recognized its authority regarding the qualifications of electors for Federal officers when it recently enacted, in September 1942, the bill which gave to men in the service the right to vote. That bill contained this provision:

> No person in military service in time of war shall be required, as a condition of voting in any election for President, Vice President, electors for President or Vice President, or for a Senator or Member of the House of Representatives, to pay any poll tax or other tax or make any other payment to any State or political subdivision thereof.

Mr. President, that shows the developing trend, the trend which was evident when the Congress adopted the nineteenth amendment, an amendment which was very wholesome and should have been adopted even before it finally was added to the Constitution. This trend has been indicated in the action of congressional committees that during a period of years have been making it less difficult, insofar as they could, for the Indians of the Nation to participate in the right of citizenship and the right of franchise. This trend has been indicated by the repeal of the poll tax in many States, in several of which it was repealed because of the corruption that resulted from its application.

So, Mr. President, from 1789 all the way down to 1943, while the democratic experiment was proving itself, the Congress, in response to the will of the people, has been eliminating one obstacle after another so that the masses of our citizens could participate in the basic privileges that go with citizenship.

There was a time in the early history of our country, when democracy had not yet proved itself, when traffic in slaves was still tolerated, when education was costly and not the prerogative of the poor. There were in those days defenders of such impositions as the poll tax, as we know it. But those days are past, those times are gone, and in modern America there is no excuse and no reason offered in support of the poll tax, and no defense, and, I am happy to say, so far as this debate is concerned, no advocate, no champion, no defender, of the poll tax. All are against the poll tax—but.

Mr. President, the radicals who have been discussed in this Chamber by others did not bring the pending bill before us. The reason for the bill, the imposition of the poll tax, creates radicalism, stimulates radicalism, and remains a source of radicalism, and will so remain until all the people of this country are permitted to enjoy the responsibilities of citizenship.

Mr. President, prevent a great segment of our population from enjoying the privileges in which we rightfully participate, and you create discontent. Radicalism is a natural outgrowth where inequality and injustice create discontent. Give the citizens of America, who are denied the right to vote, a share in the responsibility of government, and you rid the country of one of the causes of the radicalism which is held up to us as being the source of the proposed legislation we are now discussing. Penalize the poor man and favor the rich, and you create a caste system in our democracy. I know of no rich man who wants established an order which would create a caste system in our country. If men are illiterate, let us educate them. If they are poor because they are without employment, give them the opportunity which every citizen of our country has a right to enjoy.

Mr. President, we are criticized because we bring forward this measure in time of national emergency. No time is more appropriate. Every country in the world engaged in the present conflict is considering and promising privileges to its citizens, or citizens of countries which they are attempting to influence. For instance, the Japanese are busy conducting psychological warfare among the Burmese, the Indians, and the population of China and of Indochina. They are telling them that when the war is over they will give them the rights of citizenship. The great British Government sent the Cripps commission to India in an attempt to set up a more satisfactory government than the one which now exists there. When the President of the United States and the Prime Minister of the United Kingdom met in the middle of the Atlantic they drew up a document which gave hope to the oppressed and the subjugated and the regimented all over the world, including those in our country who have yet to enjoy the right to vote. Who can read the Atlantic Charter, the "four freedoms," or any other declaration enunciated by the leaders of the United Nations of the world, without seeing in them the hope—sometimes the strong hope—that we shall live in a better-ordered world, where all people, rich and poor, will enjoy the dignity of full and complete citizenship?

In this time of emergency, when we want a united citizenship; in this time of an all-out war, when any man, regardless of his race, color, or creed, is good enough to fight, he is good enough, in my judgment, to vote without first of all paying a poll tax. The passage of the pending bill, in keeping with the trend of our time, in harmony with the philosophy of the Atlantic Charter and the "four freedoms," will do much to stimulate morale and to sustain our people in the great contest in which they are now willingly making sacrifice.

Again we hear objection founded upon States' rights, and in that category I presume we have all at some time or other been listed as offenders. We have, perhaps, on numerous occasions been accused of invading the rights of States by our support and approval of legislation objectionable to States other than our own. Not long ago those of us from New York assailed those who were sponsoring national prohibition. We held it up as an invasion of the rights of our State. Yet some of those who advocate the enactment of national prohibition, and who favor legislation of that character today, find fault with those of us who would invade their States, as they claim, by insisting that their people shall have the right to participate with us in the election of Federal Representatives in our National Government.

There were even some objections to the adoption of the wholesome suffrage amendment. Again, when agricultural matters were brought before the Senate, or matters pertaining to education or to banking, to say nothing of drinking, men rose and railed against others, so much so that the record is probably a hodgepodge, with Senators for and against according to the objective of the measure under consideration.

Mr. President, the matter of States' rights can be dispensed with if one will read the roll calls in the House and Senate, which show that men all the way from Maine to Texas, and from Washington to Oregon and Florida, in the Senate and in the House, voted for the type of legislation we are now considering.

What has happened? Has the imposition of the tax taken from any segment of our population the right of voting? According to official figures given after the 1940 Presidential election, 71 out of every 100 voted in the States where no poll tax existed, while in the poll-tax States 22 out of each 100 voted. Of course, I realize that there is more reason for that condition than what I am explaining, but it proves that there is a lack of interest in the Presidential election which does not augur well for the well-being of our democracy. There should be excited a greater degree of rivalry and interest, so that a larger number of people would participate in the selection of Senators, Members of the House of Representatives, and the President of the United States.

Mr. President, a fairer comparison, one with which no one will find fault, I am sure, one which brings out forcefully the good effect of ridding a State of a poll tax, and removing its evil effects is found in two contiguous States, the State of Kentucky and the State of Tennessee.

In Kentucky, where no poll tax exists, 60 out of every 100 persons voted in the last national election for Presidential electors. Next door to the State of Kentucky, in the State of Tennessee, where a wholesome effort was made recently to rid the State of the poll tax, only 31 out of every 100 persons participated in the continuation of our National Government, so far as electing a President, Vice President, and Members of the National Congress are concerned.

Mr. ELLENDER. Mr. President, will the Senator yield?

Mr. MEAD. I yield.

Mr. ELLENDER. Has the Senator a record of Louisiana in that election?

Mr. MEAD. No; I am sorry to say that I have not.

Mr. ELLENDER. We do not have a poll tax in Louisiana. I think the reason why the number of persons who voted in Tennessee was so low is that Tennessee is mostly Democratic. That is the reason so few persons voted in the Presidential election.

Mr. MEAD. It may be true that Tennessee is mostly Democratic, but it has been a close State on a number of occasions. Tennessee has Republican representation in the House. Kentucky has Republican representation in the House. I gave the results in these two border States, where the colored population is equal. I thought Tennessee and Kentucky would be the best States I could use as examples to point out the benefits which would result from repealing the poll tax, as against the alleged detriment resulting from the repeal of the poll tax. I am sorry I do not have the figures for Louisiana.

Mr. ELLENDER. Does the Senator have any figures for Virginia? Virginia is a border State.

Mr. MEAD. Yes. My understanding is that in Virginia the number of individuals who voted out of every 100 persons was still lower than in Tennessee.

Mr. ELLENDER. I presume the reason for that is that Virginia, like Tennessee, is mostly Democratic. That is why so few persons take interest in the Presidential election.

Mr. MEAD. I said a while ago that it is unfortunate that so few individuals participate in a national election. I explained that in some of the States a reason could be found. The reason is that which the Senator from Louisiana has just pointed out. Therefore I took Tennessee and Kentucky as illustrations. Both Tennessee and Kentucky have Republican representation in the House. The colored population is equal in both States. Other things also go to make the 2 States the best States to compare and to judge the benefit resulting from the repeal of the poll tax. In Kentucky, which has no poll tax, 60 out of every 100 persons participated in the election. In Tennessee, which has a poll tax, 31 out of every 100 persons participated. It is reported that altogether 10,000,000 individuals in the Southern States eligible to vote did not vote in that general election.

Mr. ELLENDER. I may say that in my own State, which has no poll tax, where 650,000 individuals are registered to vote, I doubt, because there is no Republican opposition, if as many as 100,000 will vote in the forthcoming Presidential election. Therefore the comparison which the Senator made is not a fair one.

Mr. MEAD. The comparison between Kentucky and Tennessee I still maintain is the fairest one that can be made.

Mr. STEWART. Mr. President, will the Senator yield?

Mr. MEAD. I yield.

Mr. STEWART. Oftentimes in Tennessee we do not have Republican opposition in the November election, and the vote in the November election frequently

is less than the vote in the preceding primary. I have just returned to the Senate Chamber and do not know what particular year the Senator from New York has chosen for the purpose of his comparison. I do not know what the issues were which were being decided at the time, nor do I know who the candidates were. I think it is highly important to know the candidates and the issues, because the result in Tennessee goes almost as often one way as it does the other. I believe that is a substantially correct statement.

Mr. MEAD. I am sorry my distinguished colleague was not in the Senate Chamber when I began my statement. I express the hope that when the Senator runs again and again he will have no Republican opposition whatsoever.

Mr. STEWART. I thank the Senator very much. I would be very much more afraid of Democratic opposition in Tennessee than I would of Republican opposition.

Mr. MEAD. I will cover that field also by expressing the hope that the Senator will have no Democratic opposition.

Mr. STEWART. Again I thank the Senator.

Mr. MEAD. Mr. President, I shall conclude my statement in a very few minutes. As I said in the beginning, the bill seeks to affect elections for Federal officers. It has to do only with the National Government. It in no wise concerns itself with State elections or with State officials. It deals only with a national question. I again say that this is the appropriate time to pass legislation of this character and to give to the people who have so long been denied it the basic right to vote, a privilege which in my judgment should have been given to them a long time ago.

If we recruit our military personnel, as we do under the Selective Service Act, equally throughout the 48 States, if we call to the colors the children of the rich, and the boys and girls of the poor, if we call those who can pay their poll taxes and those who are without funds, if our boys and girls can wear the colors of the Army or the Navy and other branches of the service, if they are called upon to sacrifice their all for their country, as thousands of them have done and millions of them in the four corners of the world have indicated their willingness to do since the war began—and many hundreds of thousands of them may find themselves in the battle line before this debate is over—then I ask, Mr. President, how can a Member of this body, sustained, protected, and defended as we all are by the heroic sons of every State in the Union, fighting on the beachheads of Europe, preparing for the invasion of the Continent, struggling in the islands of the South Pacific, beating back the foe that would destroy the very form of government we have enjoyed so long, deny to them, or to their people, the right to participate in the forthcoming election, or in the succeeding elections when many of us will be candidates for the positions we now hold?

Mr. President, if we think the matter through, if we realize the sacrifices we are calling upon these boys to make, and which they are making willingly, heroically and patriotically, if we appreciate the benefits which accrue to us because of their sacrifices, we will be eager, we will be enthusiastic, we will be anxious to give them this basic, fundamental, inherent right which, in my judgment, has been denied them and which we have delayed altogether too long to grant them.

So, Mr. President, as one who believes in the bill, as one who supports the bill, and as one who is willing to stay here, to forego the coming recess, if there is any hope of passing the bill—and I believe there is—I plead with my colleagues to join with me so that cloture may be adopted, and then we may be able in short order to call the roll and rid the United States of an injustice and an inequity which have abided with us altogether too long.

MESSAGE FORM THE PRESIDENT

A message in writing from the President of the United States nominating James V. Forrestal, of New York, to be Secretary of the Navy, vice Frank Knox, deceased, was communicated to the Senate by Mr. Miller, one of his secretaries.

THE POLL TAX

The Senate resumed the consideration of the bill (H. R. 7) making unlawful the requirement for the payment of a poll tax as a prerequisite to voting in a primary or other election for national officers.

Mr. EASTLAND. Mr. President, the movement to abolish the poll tax by act of Congress originated with the Communist Party. Today the Communist Party in the United States, working through the C. I. O. Political Action Committee, working through Sidney Hillman, an alien and an agitator, a man who makes his living stirring up strife and discord in this country, is the moving spirit behind the drive for the passage of the pending bill. The Communist Party, the C. I. O. Political Action Committee, and Sidney Hillman care nothing about the Constitution of the United States; in fact, they desire to destroy the Constitution, and to set up a strong central government in the city of Washington, through which they can put over their program to establish a Communist society in the United States.

Mr. President, this afternoon I shall discuss the subject of cloture. An attempt will shortly be made to invoke cloture on further debate on the pending bill. I shall discuss the history of the cloture rule in the Senate of the United States.

Up until late 1806, there was a dispute whether the previous question could be called in the United States Senate. Some authorities thought the previous question could be ordered. Other authorities took exception to that statement, and said that under the rules it could not be ordered. Regardless of whether it could or could not be ordered, at the instance of Aaron Burr, the outgoing Vice President of the United States, in 1806 the rule on which certain Members of the Senate had placed a construction which would permit the previous question to be ordered was repealed. From that time—1806—until the Civil War, there was absolutely free and unlimited debate in the Senate of the United States. Practically every great leader in the history of our country who has known the rules, who has known the procedure, who has known the power and value of the Senate to the United States in our governmental affairs, has said that one of the great safeguards of human liberty, one of the great safeguards of the liberties of the American people was unlimited debate. Those leaders held that it was an added security to the minor groups in this country, and that if we should adopt a precedent of invoking cloture on every measure on which there was long debate in the Senate, we would weaken the security of every minority group in this country, and we would be taking an important step down the road toward the centralization of authority in Washington and the destruction of rights fixed in and guaranteed by the Constitution.

During the period from 1806 to 1917, the Senate of the United States reached the zenith of its power and influence in American Government. During that whole period, except for the period of the Civil War, there was free and unlimited debate in the Senate. During the Civil War a rule was adopted that in secret sessions of the Senate the previous question could be ordered, and debate could be shut off, on war measures which were necessary for the prosecution of the war between the States.

After the Civil War, and until 1917, there was unlimited debate in the Senate. It was recognized that the right of obstruction, when necessary, was a valuable right to preserve our system of government, to preserve the Constitution of the United States, and to protect the interests, the welfare, and the liberties of the American people.

The present cloture rule, an attempt to invoke which will be made in connection with further debate on the pending question, was adopted in 1917. There were curious circumstances which made it possible for the adoption of that rule. In the latter part of February 1917, it was apparent that within a few weeks our country would become engaged in the First World War. President Wilson requested immediate passage by Congress of the armed neutrality bill, a bill by which it would be made possible to arm the merchant ships of this country, in order to protect them from German submarines. There was a filibuster during the last few days of that session, and that bill was defeated. As a result, when the new Congress met in March 1917, the present cloture rule was adopted. But the Senators who sponsored that rule stated, as I shall read from the debates, in a few minutes, that they were in favor of adopting it only because of the imminence of war with Germany; and they further stated that the rule should never be invoked except in time of war, to end debate on a measure which was necessary for the defense of the United States or necessary for the prosecution of the war.

However, Mr. President, before I quote from those debates I shall read what cer-

tain leading statesmen of the United States have had to say with respect to the benefits of unlimited debate in the United States Senate. First, I shall quote from the remarks of Senator Hoar, of Massachusetts, a very distinguished former Member of this body:

There was a time in my legislative career when I believed that the absence of a cloture rule in the Senate was criminal neglect, and that we should adopt a system of rules by which business could be conducted; but the logic of my long service and observation has now convinced me that I was wrong in that contention. There is a virtue in unlimited debate, the philosophy of which cannot be detected upon a surface consideration.

Still another Senator, the distinguished Senator Lodge, of Massachusetts, said that he had come to the Senate fresh from a great contest in the House, where cloture was invoked, and, as he said "with a very strong prejudice in favor of vigorous and prompt methods of closing debate."

Within a year or two, however, he reached the conclusion that the practice of the Senate was a wise one and the safest system for the country and for the interest of the Government. Free and unlimited debate, and obstruction when it is necessary to protect the Constitution of the United States, have been recognized throughout the history of this Government as legitimate safeguards to the rights of our people.

I wish also to quote from another distinguished American, Daniel Webster, who was not only opposed to a cloture rule in the Senate but opposed to the power in the House of Representatives to move the previous question.

The conditions were that when the resolution to declare war in 1812 was before the House of Representatives there was long debate by the Members of that body from the New England States. They were opposed to that war. The previous question was moved to shut off debate. Daniel Webster, in discussing the question in the Massachusetts Convention of 1820, referred to the rule providing for moving the previous question.

I read from page 272 of Legislative Procedure, by Luce:

New England was bitterly opposed to the war, and the suppression of its spokesmen by the use of the previous question was doubtless in the mind of Daniel Webster when, in the Massachusetts convention of 1820 he adverted upon the rule for the previous question that had been adopted. "If," he said, "there was anything curtailing a just freedom of debate, it was this. As it had sometimes been used, it was certainly an instrument of injustice." For his own part, he presumed it would never be exercised in this body—or not except in extreme cases; otherwise he should himself have hoped to see it stricken out.

That was Daniel Webster, speaking on the rules in the House of Representatives, where further debate can be shut off by moving the previous question.

I quote from another distinguished Member of the United States Senate, the great Senator Benton from the State of Missouri, one of the greatest men who ever held a seat in this body. When an attempt was made to adopt a cloture rule back in the 1840's Senator Benton had this to say:

Thus the firmness of the minority in the Senate—it may be said, their courage, for their intended resistence contemplated any possible extremity—saved the body from degradation, constitutional legislation from suppression, the liberty of speech from extinction, and the honor of republican government from a disgrace to which the people's representatives are not subjected in any monarchy in Europe. The previous question has not been called in the British House of Commons in 100 years—and never in the House of Peers.

Yesterday I quoted from one of the great labor organizations. I shall again place in the CONGRESSIONAL RECORD the statement of the American Federation of Labor when Vice President Dawes attempted to see a stringent cloture rule adopted in the Senate. The American Federation of Labor condemned it, and stated that the right of unlimited debate was a protection to the working people from reactionary legislation. I quote that statement:

For several months the Vice President of the United States—

They were speaking of Vice President Dawes—

has conducted an agitation for the purpose of abolishing free speech in the United States Senate, the only forum in the world where cloture does not exist and where Members can prevent the passage of reactionary legislation. * * *

The railroad industry, the great oil industry, and other great industries in the United States, want to make it possible for a handful of men in the United States Senate to control all legislation. It is a vicious idea, a vicious purpose to which the Vice President of the United States has loaned himself.

Mr. President, the discussion on the pending bill is by no means a filibuster. Long debate and filibustering have obstructed legislation only when it was necessary to protect the Constitution of the United States and the liberties of the people of this country; and, with only one exception, no bill which has been defeated by a filibuster has ever again been presented to the Congress for further consideration. Unlimited debate in the Senate has worked well. Deliberation is the primary function of the Senate, and the rule for unlimited debate has greatly protected the rights of the people of this country.

I wish to quote from the CONGRESSIONAL RECORD when the present rule was adopted, the rule which is now sought to be invoked, or will be sought to be invoked within the next few days. One of the champions of that rule was the great Senator Hardwick, of Georgia. Let me read what he had to say on the subject:

Will we gain anything by putting it in the power of a bare majority of the Senate to shut off debate on the instant, to close the mouths and hush the voices of the representatives of sovereign States on this floor? Will the American Government be stronger if such a course be adopted? I think not. I submit not.

This is a Government of checks and balances, and wisely so—so established, so constructed by our fathers; and, for one, I have not progressed far enough away from their ideas to believe that they wrought poorly, or that we can much improve on them, in the fundamentals at least. I lay down the proposition before this Senate and before the country that today the last citadel of opposition to the Executive will and to the establishment of the Executive as an autocratic authority in this country, clothed with despotic powers, is here in this Chamber and on this floor; and I say to the Senate and to the country: If you chain this Senate, if you bind it, if you put it in the power of a partisan majority at any instant, at any moment, or on any question, to run roughshod over the minority for the time being, and deny to Senators the right to speak on this floor, and deny real debate in this Chamber, you will have destroyed one of the most valuable checks and balances in our Government and you will have made a long step toward the possible establishment of an autocratic and despotic power in this country.

I continue to quote from Senator Hardwick:

Mr. President, there is another reason why the Senate of the United States ought to be slow, indeed, about the adoption of any very radical or any very real cloture, and it is this: This is likewise the one piece of governmental machinery in the American system where "pause" can be said to the majority, where whatever party is in power can be halted temporarily at least, until in a way—unofficialy, of course, and informally—the sense of the public may be taken on any pending question. If the proposition advocated by some Senators is adopted here, and cloture on the majority vote is established in this body, it may be easier for us, my colleagues, on this side, in disposing of party measures; it may be more convenient for us as individuals; it may seem temporarily that as Democrats we will gain some advantage, but I do believe that as Americans we will lose. We may not always be in power. In years past we have been in power but very little; and for years, while I was a Member of the other body at the other end of this building, I saw Democratic minority Senators use these rules to assert the rights of the minority and to hold down a rampant majority in both Houses; and I tell you right now, it is one of the great barriers, one of the great checks under our American system.

Why, majorities are not always right. No, Senators; not at all. We all know that. I have seen many instances in which minorities were right, and even the men who constituted the majority lived to admit it. Now, if that is true, we might just as well be a little careful about entirely stifling a minority, about denying it all voice, about denying it all opportunity to say "Halt" and "Pause" to a partisan majority.

During that debate the great Senator La Follette, the father of the present distinguished Senator from the State of Wisconsin, condemned the whole idea of cloture. I quote from his speech:

Mr. President, believing that I stand for democracy, for the liberties of the people of this country, for the perpetuation of our free institutions, I shall stand while I am a Member of this body against any cloture that denies free and unlimited debate. Sir, the moment that the majority imposes the restriction contained in the pending rule upon this body, that moment you will have dealt a blow to liberty, you will have broken down one of the greatest weapons against wrong and oppression that the Members of this body possess. This Senate is the only place in our system where, no matter what may be the organized power behind any measure to rush its consideration and to compel its adoption, there is a chance to be heard, where there is opportunity to speak at length, and where, if need be, under the Constitution of our country and the rules as they stand today, the constitutional right is reposed in a

Member of this body to halt a Congress or a session on a piece of legislation which may undermine the liberties of the people and be in violation of the Constitution which Senators have sworn to support.

Mr. President, the organized power, the driving force behind this measure, is the Communist Party, a group of aliens advocating an alien creed, who would attempt to destroy this country. The Senate of the United States today is performing a great service to all the people in every section of the country in maintaining inviolate the Constitution and the rights guaranteed thereby. I quote further from the great Senator La Follette:

When you take that power away from the Members of this body, you let loose in a democracy forces that in the end will be heard elsewhere, if not here.

Mr. President, the hour is late. I could read a great many statements which were made by men in past generations who carried the American Government safely through waves of personal opinion which attempted to encroach upon the Constitution. They all said that the great fundamental safeguard to liberty was the right of unlimited debate in the Senate.

The purpose of the Government is to maintain certain fixed values. The purpose is to act as a balance wheel to curb the forces of numbers and to preserve from destruction the fundamental rights and privileges guaranteed by our system of government to every American citizen regardless of whether he be in the minority or in the majority.

Governments such as ours, Mr. President, are maintained to preserve certain rights and privileges, to maintain and to preserve them from temporary majorities, to maintain and to preserve them against the weight of numbers, and to direct the ship of state on an even and direct course regardless of the temporary ebb and flow of the tides of public opinion which are often mobilized, amplified, intensified, and directed by propaganda from pressure groups, and by alien groups intent upon securing their temporary ends regardless of the long-time effect upon our system of government and the future of our common country.

Mr. President, the right of free and unlimited debate in the Senate of the United States for more than a century has been recognized as one of the great safeguards to liberty, and the preservation and protection of the rights of the people of our country. Like the fixed stars of the heavens to seafaring men, it has comforted, inspired, protected, and led the minorities of our country safely to the haven of a friendly port. It has protected them from the brute mob force of majority government.

Free and unlimited debate has insured American liberty. It is one of the principal reasons for the power of the Senate of the United States in our system of government. It has gained and held throughout the years, through stress and storm, the respect and confidence of the American people in the Senate of the United States. Because of it the Senate more than any other instrument of government, has preserved the American Constitution, has preserved our dual system of government, the prerogatives of the States, and the rights, liberties, and privileges of American citizenship. The preservation, unimpaired, is essential to the maintenance of our system of government and the freedom of the citizen. Through free and unlimited debate, through the rights of obstruction in the Senate, if necessary, this body has done more to preserve unimpaired our freedom than has any other department of government.

We here are asked to tear this rule down, to abolish a safeguard which has protected this country, and to do it at the instance of radical aliens, principally in certain sections of the city of New York, who are determined to tear down our Government, and to enslave, through strong, centralized power, a great part of the people of the United States.

That is all I care to say at this time.

Mr. CONNALLY. Madam President——

The PRESIDING OFFICER (Mrs. CARAWAY in the chair). Does the Senator from Mississippi yield to the Senator from Texas?

Mr. EASTLAND. I yield.

Mr. CONNALLY. Has the Senator from Mississippi concluded his remarks——

Mr. EASTLAND. No; but if the Senator desires to recess——

Mr. CONNALLY. Or did the Senator desire to proceed tomorrow?

Mr. EASTLAND. I am not through, but I can speak later. The senior Senator from Alabama [Mr. BANKHEAD] is scheduled to speak first tomorrow.

Mr. CONNALLY. If the Senator from Mississippi should speak again it would make two speeches on his part.

Mr. EASTLAND. That is all right.

Mr. CONNALLY. We will reserve that question until tomorrow.

EXECUTIVE SESSION

Mr. BARKLEY. I move that the Senate proceed to consider executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGES REFERRED

The PRESIDING OFFICER (Mrs. CARAWAY in the chair) laid before the Senate messages from the President of the United States submitting sundry nominations and a protocol, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

The PRESIDING OFFICER. If there be no reports of committees, the clerk will state the nominations on the calendar.

POSTMASTER—ADVERSE REPORT

The legislative clerk read the nomination of Patrick J. McGrath to be postmaster at Bayonne, N. J., which had been reported adversely.

Mr. BARKLEY. I ask that the nomination go over.

The PRESIDING OFFICER. Without objection, the nomination will be passed over.

DEPARTMENT OF THE INTERIOR

The legislative clerk read the nomination of Clarence L. Forsling to be Director of Grazing.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

POSTMASTERS

The legislative clerk proceeded to read sundry nominations of postmasters.

Mr. BARKLEY. I ask that the postmaster nominations be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations are confirmed en bloc.

THE ARMY

The legislative clerk read the nomination of Lewis Hyde Brereton to be lieutenant general.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of Barney McKinney Giles to be lieutenant general.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of Elwood Richard Quesada to be major general.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

Mr. BARKLEY. I ask unanimous consent that the President be notified of all confirmations of today.

The PRESIDING OFFICER. Without objection, the President will be forthwith notified.

RECESS

Mr. BARKLEY. As in legislative session, I move that the Senate take a recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 5 o'clock and 2 minutes p. m.) the Senate took a recess until tomorrow, Thursday, May 11, 1944, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate May 10 (legislative day of May 9), 1944:

SECRETARY OF THE NAVY

James V. Forrestal, of New York, to be Secretary of the Navy, vice Frank Knox, deceased.

SELECTIVE SERVICE SYSTEM

Kenneth H. McGill to be chief statistician in the Selective Service System, under the provisions of section 10 (a) (3) of the Selective Training and Service Act of 1940. (The compensation to be paid Mr. McGill will be $6,500 per annum.)

Louis A. Boening to be assistant State director of selective service for Illinois, under the provisions of section 10 (a) (3) of the Selective Training and Service Act of 1940. (Compensation for the office of the assistant State director of selective service for Illinois will be at the rate of $5,600 per annum.)

Frank D. Rash to be State director of selective service for Kentucky, under the provisions of section 10 (a) (3) of the Selective Training and Service Act of 1940, as amended. (Compensation for the office of the State director of selective service for

Kentucky will be at the rate of $5,600 per annum.)

UNITED STATES PUBLIC HEALTH SERVICE

The following-named officers for promotion in the Regular Corps of the United States Public Health Service:

ASSISTANT SURGEONS TO BE PASSED ASSISTANT SURGEONS EFFECTIVE FROM THE DATES INDICATED

Walter S. Mozden, May 19, 1944.
Paul C. Campbell, Jr., June 5, 1944.
Clarence Kooiker, April 3, 1944.
Harold J. Magnuson, May 6, 1944.
Carlton H. Waters, May 6, 1944.
Robert W. Biach, April 21, 1944.
W. Clark Cooper, April 9, 1944.
Jack C. Haldeman, May 15, 1944.

IN THE NAVY

Capt. John H. Brown, Jr., United States Navy, to be a rear admiral in the Navy, for temporary service, to rank from the 19th day of January 1943.

Commodore Lawrence F. Reifsnider, United States Navy, to be a rear admiral in the Navy, for temporary service, to rank from the 6th day of January 1943.

IN THE COAST GUARD

TO BE COMMANDANT

Vice Admiral Russell R. Waesche, United States Coast Guard, to be Commandant of the United States Coast Guard, for a term of 4 years, from the 14th day of June 1944.

CONFIRMATIONS

Executive nominations confirmed by the Senate May 10 (legislative day of May 9), 1944:

DEPARTMENT OF THE INTERIOR

Clarence L. Forsling to be Director of Grazing.

IN THE ARMY

TEMPORARY APPOINTMENTS IN THE ARMY OF THE UNITED STATES

To be lieutenant generals

Lewis Hyde Brereton
Barney McKinney Giles

To be a major general

Elwood Richard Quesada

POSTMASTERS

CONNECTICUT

Earl E. Sexton, East Lyme.
Roland Lester Powe, North Windham.

LOUISIANA

Mathias J. Reuter, Arabi.

NEW HAMPSHIRE

Edna M. F. Hayward, Londonderry.
Arthur W. Proulx, Somersworth.

NORTH CAROLINA

Roland Lemuel Garrett, Elizabeth City.
James K. Proctor, Greenville.
Mat M. Ellington, Summerfield.
Henry G. Cook, Stokesdale.

WASHINGTON

Mary A. McComb, Everson.
May L. Hanson, Touchet.

HOUSE OF REPRESENTATIVES

WEDNESDAY, MAY 10, 1944

The House met at 12 o'clock noon.

The Reverend Peter A. Crumbly, O. F. M., missioner, Franciscan Order, Chicago, Ill., offered the following prayer:

O God, Thou art our creator, our ruler, our benevolent father, our refuge, and our strength. Look down with favor upon these, Thy servants, who turn suppliantly to Thee today imploring Thy enlightenment, Thy powerful aid, and Thy blessing.

Thou art the way, the truth, and the life, and hast told us to come to Thee with our problems and hast promised to hear and aid us.

We believe that Thou hast placed men in positions of trust and responsibility—in the guidance and government of Thy people.

Heavenly Father, hear our prayer. Bless and strengthen our President and his coworkers in these days of strife and stress. Enlighten our representatives in this House and in the Senate that they may legislate wisely and courageously. Bless our defenders wherever they may be. Bless all of us so that we may render to Thee the things that are Thine and to our country loyalty and devotion. Send forth Thy spirit to light, to guard, to rule, and guide us that, with humble and sincere reliance on Thy help, we may stand united in brotherly charity and may deserve Thy continued blessing and persevere in Thy love and care, in thanking Thee and praising Thee and Thy divine Son, our Lord and Saviour, Jesus Christ, here and forever. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate had passed without amendment a joint resolution of the House of the following title:

H. J. Res. 271. Joint resolution making an additional appropriation for the fiscal year 1944 for emergency maternity and infant care for wives of enlisted men in the armed forces.

EXTENSION OF REMARKS

Mr. CANNON of Missouri. Mr. Speaker, I ask unanimous consent to extend my remarks and to include a speech delivered by Mrs. Paul Palmer, national secretary of Associated Women of the American Farm Bureau Federation, at the rural-urban conference, held at the Statler Hotel on May 9, 1944.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. LANE. Mr. Speaker, I ask unanimous consent to revise and extend my remarks on three different matters, first, to include an editorial which appeared in the Boston Daily Record; secondly, to include another newspaper item from the Boston Daily Globe; and, third, a telegraph message from Gov. Leverett Saltonstall, of Massachusetts.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. LUDLOW. Mr. Speaker, I ask unanimous consent that this afternoon, after the legislative business of the day and following any special orders which have been heretofore entered, I may address the House for 15 minutes.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

EXTENSION OF REMARKS

Mr. PRIEST. Mr. Speaker, I ask unanimous consent to extend my remarks and to include a radio address by the gentleman from Texas [Mr. GOSSETT].

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. MERROW. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein an editorial from the New York Times on the approval of treaties.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. ARENDS. Mr. Speaker, I ask unanimous consent to extend my remarks and to include therein a radio address delivered by my colleague the gentleman from Illinois [Mr. DIRKSEN].

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. JONKMAN. Mr. Speaker, I ask unanimous consent to extend my own remarks and to include an editorial.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. KILBURN. Mr. Speaker, I ask unanimous consent to extend my own remarks and to include a resolution on the St. Lawrence seaway.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. HOLMES of Washington. Mr. Speaker, I ask unanimous consent to extend my own remarks and to include an address by Mr. F. A. Banks, regional director of the Bureau of Reclamation, before the Seattle Chamber of Commerce.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mrs. LUCE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein a radio address by Samuel Grafton, of the New York Post, on the subject of free ports for Europe's refugees.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. C. FREDERICK PRACHT. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD in three instances and to include an editorial and two letters from my constituents.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

UNION PACIFIC RAILROAD CELEBRATES THE SEVENTY-FIFTH ANNIVERSARY OF ITS COMPLETION

Mr. ANGELL. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. ANGELL. Mr. Speaker, this day, May 10, is important in the development of our great western territory, extending from Chicago on to the Pacific coast. Seventy-five years ago today the Union